

PUBLIC NOTICE

ORDINANCE # 52 WATER SERVICE SYSTEM, WATER METERS, AND WATER RATES. THIS NEW ORDINANCE WILL REPEAL ALL PRIOR ORDINANCES AS THEY RELATE TO WATER SERVICE, WATER METERS, AND WATER RATES TO BE CHARGED BY THE WATERWORKS OPERATED BY THE CITY OF ALBION IOWA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF ALBION IOWA:

In summary, the changes are as follows and the entire city ordinance can be inspected at City Hall at 107 S Main St Albion, Iowa between the hours of 9:00 am and 2:30 pm.

Ordinance # 52 was approved by council September 26, 2016 changing the water ordinance in its entirety and repealing all previous and acted upon ordinances as they pertain to the water system. A summary of the changes is going to a monthly billing system with odd months being a budget estimate reading. Rate changes to be effective upon the next billing on the 1st month succeeding this publication. The fee structures were also changed for permits, surcharges, connection charges, disconnections charges, and re-hook-up fees. Emergency charges will be billed according to the Central Iowa Water Association (CIWA) in addition to the base rates specified by CIWA. The city will not drain pipes or pull meters for temporary vacancies. Temporary vacancies will be charged shut-off and re-hook-up fees. If the temporary vacancy is less than one year, the customer will still have to pay a minimum monthly charge.

Customer deposits were increased to \$100.00. Water rates for the first 1,000 gallons is \$15.00 with \$5.85 per 1,000 gallons after. The surcharge for 5/8" meters will be \$12.50 and 2" meters will be \$37.50 per month. Water connection permits are \$250.00 and the connection charge is \$100. Temporary vacancies will be charged a \$75.00 fee for water shut off and a \$75.00 fee for restoring service.

This ordinance shall be in effect for and after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council this 26 day of September, 2016.

PUBLIC NOTICE

ORDINANCE # 53 SANITARY SEWER SYSTEM, BUILDING SEWERS AND CONNECTIONS, USE OF PUBLIC SEWERS, ON-SITE WASTEWATER SYSTEMS, AND SEWER SERVICE CHARGES. THIS NEW ORDINANCE WILL REPEAL ALL PRIOR ORDINANCES AS THEY RELATE TO THE SANITARY SEWER SYSTEM, BUILDING SEWERS AND CONNECTIONS, USE OF PUBLIC SEWERS, ON-SITE WASTEWATER SYSTEMS, AND SEWER SERVICE CHARGES TO BE CHARGED BY THE WATERWORKS OPERATED BY THE CITY OF ALBION IOWA.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF ALBION IOWA:

In summary, the changes are as follows and the entire city ordinance can be inspected at City Hall at 107 S Main St Albion, Iowa between the hours of 9:00 am and 2:30 pm.

Ordinance # 53 was approved by council September 26, 2016 changing the sewer ordinance in its entirety and repealing all previous and acted upon ordinances as they pertain to the sewer system. A summary of the changes is going to a monthly billing system with odd months being a budget estimate reading. Rate changes to be effective upon the next billing on the 1st month succeeding this publication. The fee structures were also changed for permits, connection charges, and sewer deposits.

In the event no water hook-up is requested sewer system fees are as such: Permits are \$250.00, connections charges are \$100.00, sewer deposits are \$100.00 and sewer rates for the first 1,000 gallons is \$20.50 with \$6.79 per 1,000 gallons after.

This ordinance shall be in effect for and after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council this 26 day of September, 2016.

ORDINANCE # 54

AN ORDINANCE TO ESTABLISH FIRE AND EMERGENCY SERVICES DEPARTMENT.

Be it enacted by the City of Albion, Iowa:

Section 1: ESTABLISHMENT AND PURPOSE. An emergency response department is hereby established to prevent and extinguish fire and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to rescue, medical and other emergencies as enumerated in the department's standard operating procedures.

The name of the department shall be Albion Fire Department

Section 2: The Mayor and/or Council shall appoint the fire chief for a term of four (4) years or to fill a vacancy. The Mayor and/or Council may remove, suspend or demote the fire chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of chief by written order setting out the reasons for removal which shall be filled with the city clerk, and shall upon request in writing filed with the clerk by the chief, hold a public hearing on the proposed action.

Section 3: Chiefs duties. The Chief shall manage the emergency services department. The Chief shall command all operations of the department, ensure training and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to council approval, the Chief shall establish and maintain departmental personnel standards and standard operating procedures to carry out the requirements of this ordinance. With the approval of the council, the Chief shall appoint officers and other personnel, fill vacancies among them, and may discharge them. The Chief shall keep a record of names, ages, and residences of personnel and be responsible for their training and supervision, and shall maintain attendance records for activities. The Chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury or death to any person. Whenever death, serious bodily injury or property damage in excess of two hundred thousand dollars (200,000.00) has occurred as a result of fire, or if arson is suspected, the Chief shall notify the state fire marshal's division immediately. The Chief shall report other fire incidents within ten (10) days following each month to the state fire marshal in accordance with law. The Chief has the authority to enter and inspect any building or premises in the performance of duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings for property.

Section 4: Firefighter and emergency responders. The Chief shall appoint fire fighters and other personnel per established criteria. The City Council shall approve all fire department appointments.

Section 5: Firefighters and emergency responders' duties. When called by the Chief or appointed officer, personnel shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of others who have been appointed by the Chief to be in command temporarily. Personnel shall report to the chief in advance if they expect to be absent from the city for an extended period of time, Personnel shall report for training as ordered by the Chief.

Section 6: Workers Compensation and Hospitalization insurance. The Council shall contract to insure the city against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for firefighters injured in the performance of their duties as firefighters. All department personnel shall be covered by the contract.

- Section 7: Liability Insurance. The council shall contract to insure against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.
- Section 8: Fires, Medical and other emergencies outside city limits. The department shall answer calls to fires, medical emergencies, and other emergencies outside the city limits per the department's standard operating procedures, contracts, mutual aid and other written agreements.
- Section 9: Firefighter and Emergency response volunteers' association. The city recognizes the association and no profit corporation established by the firefighter and emergency response volunteers as a partner in promoting the welfare of emergency responders, fire prevention activities, the enhancement of emergency response capabilities for the city and surrounding townships and in the performance of civic, social and fund raising activities as enumerated in association and corporation articles of incorporation.
- Section 10: Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- Section 12: When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the Council of the City of Albion on this 18th day of September, 2017.

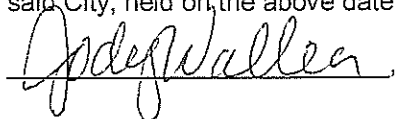
1st READING 3/20/2017

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor – John Henze

ATTEST:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

 , City Clerk

Ordinance #55 – Chapter #20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council and shall establish by resolution the City Attorney's compensation.
(Code of Iowa, Sec. 372.13[4])

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

20.03 POWER OF ATTORNEY. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances that the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

20.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a report to the Council and interested department heads, giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or Council.


20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

20.08 PREPARE DOCUMENTS. The City Attorney shall, upon request, formulate drafts for contracts, forms, and other writings that may be required for the use of the City.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

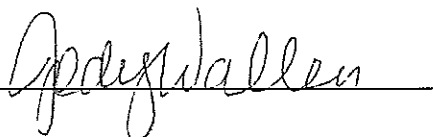
1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 City Clerk

Ordinance #55 – Chapter 30

CONTRACT LAW ENFORCEMENT

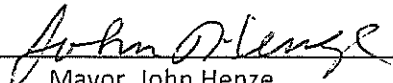
30.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

(Code of Iowa, 28E.30)

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

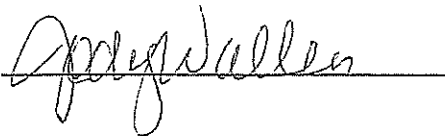
1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest:

I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 _____, City Clerk

Ordinance #55 – Chapter #36 FIRST RESPONDERS UNIT

36.01 Establishment	36.07 Unit Chairperson Duties
36.02 Organization	36.08 Departmental Rules
36.03 Membership	36.09 Accidental Injury Insurance
36.04 Approved by Council	36.10 Liability Insurance
36.05 Training	36.11 Calls Outside Fire District
36.06 Compensation	

36.01 ESTABLISHMENT. A volunteer First Responders Unit is hereby established to answer all medical emergency calls for which there is no other established agency.

36.02 ORGANIZATION. The First Responders Unit shall consist of a Unit Chairperson and as many other volunteer responders as may be authorized by the Council.

36.03 MEMBERSHIP. The First Responders Unit shall consists of volunteer persons who are in good health and at least 18 years of age. The First Responders Unit may adopt such rules and regulations as deemed advisable not inconsistent with this Cod of Ordinances, Council rules or the laws of the State.

36.04 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the Unit until such appointment is submitted to and approved by a majority of the Council members.

36.05 TRAINING. All members of the Unit shall meet the minimum training standards established by the State and attend and actively participate in regular or special training drills or programs as directed by the Unit Chairperson.

36.06 COMPENSATION. Members of the unit receive such compensation as shall be determined by resolution of the Council.

36.07 UNIT CHAIRPERSON DUTIES. The duties are as follows:

1. The Unit Chairperson shall command all operations of the Unit and be responsible for the care, maintenance and use of all vehicles and equipment of the Unit.
2. Subject to Council approval, the Chairperson shall direct and assist the members of the Unit in establishing rules and regulations designed to carry out the requirements of this chapter.
3. Subject to Council approval, the Chairperson shall appoint volunteer First Responders Unit members, fill vacancies in the Unit and discharge such members. The Secretary shall keep a record of the names, ages and residences of Unit members and be responsible for their training and supervision. The Secretary shall maintain attendance records for drills, meetings and emergency calls.

36.08 DEPARTMENTAL RULES. The Unit Chairperson shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council as may be necessary for the operation of the department.

36.09 ACCIDENTAL INJURY INSURANCE. The council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer First Responders injured in the performance of their duties as First Responders. All First Responders shall be covered by the contracts.

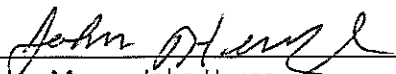
36.10 LIABILITY INSURANCE. The Council shall contract to insure the City for liability of the City or members of the First Responders Unit for injuries, death or property damage arising out of or resulting from the performance of their First Responder duties

36.11 CALLS OUTSIDE FIRST RESPONDER DISTRICT. The Unit shall answer emergency calls outside the Albion First Responder District limits if the Unit Chairperson determines that such emergency exists and that such action will not endanger person and property within the Albion First Responder District limits.

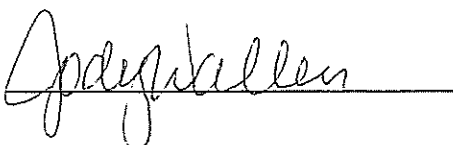
Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter 36 cont.

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 PURPOSE. In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

36.02 DEFINITIONS. For purposes of this chapter the following terms are defined:

1. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. "Responsible person" means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

36.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or federal funds available for said cleanup.

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the County Sheriff of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The County Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the County Sheriff, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

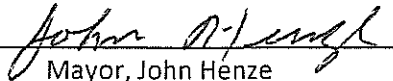
No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 12/19/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter #45

PUBLIC OFFENSES

- | | |
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| 45.01 Assault | 45.16 Barbed Wire and Electric Fences |
| 45.02 Harassment | 45.17 Discharging Weapons |
| 45.03 Disorderly Conduct | 45.18 Throwing and Shooting |
| 45.04 Unlawful Assembly | 45.19 Criminal Mischief |
| 45.05 Failure to Disperse | 45.20 Defacing Proclamations or Notices |
| 45.06 Urinating and Defecating | 45.21 Unauthorized Entry |
| 45.07 Distributing Dangerous Substances | 45.22 Trespassing |
| 45.08 False Reports to or Communications
Public Safety Entities | 45.23 Fraud |
| 45.09 Providing False Identification Information | 45.24 Theft |
| 45.10 Refusing to Assist Officer | 45.25 Fireworks |
| 45.11 Harassment of Public Officers and Employees | 45.26 Cigarettes and Tobacco |
| 45.12 Interference with Official Acts | 45.27 Contributing to Delinquency |
| 45.13 Removal of an Officer's Communication
Control Device | 45.28 Amusement Devices |
| 45.14 Abandoned or Unattended Refrigerators | 45.29 Drug Paraphernalia |
| 45.15 Antenna and Radio Wires | 45.30 Loitering |
| | 45.31 Other Public Property Offenses |

45.01 ASSAULT. No person shall, without justification, commit any of the following:

1. Pain or Injury. Any act that is intended to cause pain or injury to another or that is intended to result in physical contact that will be insulting or offensive to another, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1[1])
2. Threat of Pain or Injury. Any act that is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
(Code of Iowa, Sec. 708.1[2])

An act described in subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

45.02 HARASSMENT. No person shall commit harassment.

1. A person commits harassment when, with intent to intimidate, annoy or alarm another person, the person does any of the following:
 - A. Communicates with another by telephone, telegraph, writing or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
(Code of Iowa, Sec. 708.7)
 - B. Places any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such other person.
(Code of Iowa, Sec. 708.7)
 - C. Orders merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.
(Code of Iowa, Sec. 708.7)
 - D. Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the same did not occur.
(Code of Iowa, Sec. 708.7)
2. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate or alarm that other person. As used in this section, unless the context otherwise requires, "personal contact" means an encounter in which two or more people are in visual or physical proximity to each other. "Personal contact" does not require a physical touching or oral communication, although it may include these types of contacts.

45.03 DISORDERLY CONDUCT. No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.
(Code of Iowa, Sec. 723.4[1])
2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.
(Code of Iowa, Sec. 723.4[2])

3. **Abusive Language.** Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.

(Code of Iowa, Sec. 723.4[3])

4. **Disrupt Lawful Assembly.** Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[4])

5. **False Report of Catastrophe.** By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[5])

6. **Disrespect of Flag.** Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

(Code of Iowa, Sec. 723.4[6])

- A. "Deface" means to intentionally mar the external appearance.
- B. "Defile" means to intentionally make physically unclean.
- C. "Flag" means a piece of woven cloth or other material designed to be flown from a pole or mast.
- D. "Mutilate" means to intentionally cut up or alter so as to make imperfect.
- E. "Show disrespect" means to deface, defile, mutilate, or trample.
- F. "Trample" means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.

7. **Obstruct Use of Street.** Without authority or justification, obstruct any street, sidewalk, highway, or other public way, with the intent to prevent or hinder its lawful use by others.

(Code of Iowa, Sec. 723.4[7])

8. **Funeral or Memorial Service.** Within 500 feet of the building or other location where a funeral or memorial service is being conducted, or within 500 feet of a funeral procession or burial:

- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
- B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
- C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

This subsection applies to conduct within 60 minutes preceding, during, and within 60 minutes after a funeral, memorial service, funeral procession, or burial.

(Code of Iowa, Sec. 723.5)

45.04 UNLAWFUL ASSEMBLY. It is unlawful for three or more persons to assemble together, with them or any of them acting in a violent manner, and with intent that they or any of them will commit a public offense. No person shall willingly join in or remain part of an unlawful assembly, knowing or having reasonable grounds to believe it is such.

(Code of Iowa, Sec. 723.2)

45.05 FAILURE TO DISPERSE. A peace officer may order the participants in a riot or unlawful assembly or persons in the immediate vicinity of a riot or unlawful assembly to disperse. No person within hearing distance of such command shall refuse to obey.

(Code of Iowa, Sec. 723.3)

45.06 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto public or private land.

45.07 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute samples of any drugs or medicine, or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person, or otherwise takes reasonable precautions that the substance will not be taken by children or animals from the place where the substance is deposited.

(Code of Iowa, Sec. 727.1)

45.08 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES. No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

- 1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.
- 2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.
- 3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

45.09 PROVIDING FALSE IDENTIFICATION INFORMATION. No person shall knowingly provide false identification information to anyone known by the person to be a peace officer, emergency medical care provider, or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter.

(Code of Iowa, Sec. 719.1A)

45.10 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any magistrate or peace officer to render the magistrate or officer assistance in making or attempting to make an arrest, or to prevent the commission of any criminal act, shall render assistance as required. No person shall unreasonably and without lawful cause, refuse or neglect to render assistance when so requested.
(Code of Iowa, Sec. 719.2)

45.11 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.
(Code of Iowa, Sec. 718.4)

45.12 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or fire fighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider or fire fighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.
(Code of Iowa, Sec. 719.1)

45.13 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.
(Code of Iowa, Sec. 708.12)

45.14 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.
(Code of Iowa, Sec. 727.3)

45.15 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, public way, public ground, or public building without written consent of the Council.
(Code of Iowa, Sec. 364.12[2])

45.16 BARBED WIRE AND ELECTRIC FENCES. Upon approval of City Council from this date November 1st, 2016 forward, it is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land. If such fencing is used upon council approval fencing must be marked appropriately as to alert any bystander of its dangers.

45.17 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

45.18 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground or public building, without written consent of the Council.
(Code of Iowa, Sec. 364.12[2])

45.19 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.
(Code of Iowa, Sec. 716.1)

45.20 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.
(Code of Iowa, Sec. 716.1)

45.21 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or when said building, premises, or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

45.22 TRESPASSING.

1. Prohibited. It is unlawful for a person to knowingly trespass upon the property of another.
(Code of Iowa, Sec. 716.8)
2. Definitions. For purposes of this section:
(Code of Iowa, Sec. 716.7[1])
 - A. "Property" includes any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure, whether publicly or privately owned.
 - B. "Public utility" is a public utility as defined in Section 476.1 of the Code of Iowa or an electric transmission line as provided in Chapter 478 of the Code of Iowa.
 - C. "Public utility property" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind.

D. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this State.

E. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation, with the exception of any administrative building or offices of the railway corporation.

F. "Trespass" means one or more of the following acts:
(Code of Iowa, Sec. 716.7[2a])

A. (1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate.

B. (2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

C. (3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

D. (4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

E. (5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This paragraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering onto the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

F. (6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This paragraph does not apply to passage over public utility right-of-way by a person if the person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

3. Specific Exceptions. "Trespass" does not mean either of the following:
(Code of Iowa, Sec. 716.7[2b])

A. Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This paragraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

B. Entering upon the right-of-way of a public road or highway.

45.23 **FRAUD.** It is unlawful for any person to commit a fraudulent practice as defined in Section 714.8 of the Code of Iowa.
(Code of Iowa, Sec. 714.8)

45.24 **THEFT.** It is unlawful for any person to commit theft as defined in Section 714.1 of the Code of Iowa.
(Code of Iowa, Sec. 714.1)

45.25 **FIREWORKS.** The sale, use or exploding of fireworks within the City is subject to the following:
(Code of Iowa, Sec. 727.2)

1. **Definition.** The term "fireworks" includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

2. **Regulations.** It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury:\$250,000 per person.

B. Property Damage:\$50,000

C. Total Exposure:\$1,000,000

3. **Exceptions.** This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

45.26 **CIGARETTES AND TOBACCO.** It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said

person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)

45.27 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

45.28 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an "electronic or mechanical amusement device" means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.
2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

45.29 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

1. As used in this section "drug paraphernalia" means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness, or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

45.30 LOITERING.

1. "Loitering," means to stand around or move slowly about in an idle manner, with no reasonable purpose therefor.
2. No person shall loiter around or about any place of worship or upon the street or sidewalk adjacent thereto during any service of worship therein, or in or about any bar, pool hall or other place of business, or public building, or on any private property, or upon any street or alley between the hours of 9:00 p.m. and 7:00 a.m.. However, no person shall be deemed to have violated this section unless the Marshal or other peace officer has asked him to move along and he continues to loiter under any of the above-described conditions.

45.31 OTHER PUBLIC PROPERTY OFFENSES. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other activities or conditions that are also deemed to be public offenses:

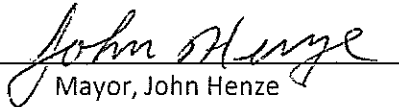
1. Chapter 21 – Library.
 - A. Section 21.10 – Injury to Books or Property
 - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling.
 - A. Section 105.07 – Littering Prohibited
 - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance.
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.13 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations.

- A. Section 136.11 – Interference with Sidewalk Improvements
- B. Section 136.15 – Fires or Fuel on Sidewalks
- C. Section 136.16 – Defacing
- D. Section 136.17 – Debris on Sidewalks
- E. Section 136.18 – Merchandise Display
- F. Section 136.19 – Sales Stands.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 
Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

Ordinance #55 – Chapter #46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. The Council has determined that a curfew for minors is necessary to promote the public health, safety, morals and general welfare of the City and specifically to reinforce the primary authority and responsibility of adults responsible for minors; to protect the public from the illegal acts of minors committed after the curfew hour; and to protect minors from criminal activity and improper influences that prevail in public places after the curfew hour.

1. Definitions. For use in this section, the following terms are defined:
 - A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
 - B. "Knowingly" means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. "Minor" means any unemancipated person under the age of eighteen (18) years.
 - D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
 - E. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.
 - F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.
2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of
 - A. 10:00 p.m. and 5 a.m. for minors 11 or less years of age;
 - B. 10:30 p.m. and 5 a.m. for minors 12 or 13 years of age;
 - C. 11:00 p.m. and 5 a.m. for minors 14 or more years of age.
3. Exceptions. The following are exceptions to the curfew:
 - A. The minor is accompanied by a responsible adult.
 - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
 - C. The minor is present at or is traveling between home and one of the following:

- (1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end or before the beginning of work;
- (2) Minor's place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;
- (3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;
- (4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;
- (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

(Code of Iowa, Sec. 453A.2)


46.03 CONTRIBUTING TO DELINQUENCY. It is unlawful for any person to encourage any child under eighteen (18) years of age to commit any act of delinquency.

(Code of Iowa, Sec. 709A.1)

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By: 

Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 , City Clerk

Ordinance #55 – Chapter 47

PARK REGULATIONS

47.01 Purpose	47.05 Littering
47.02 Definitions	47.06 Parks Closed
47.03 Use of Drives Required	47.07 Camping
47.04 Fires	47.08 Albion Skate Park Rules

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities. (Code of Iowa, Sec. 364.12)

47.02 DEFINITIONS.

1. "Albion Ball Field Complex" means a park the entire plot of ground which is surrounded by Lafayette Street on the north, Chicago Street on the south, Dubuque Street on the east and Clinton Street on the west.
2. "Albion Skate Park" means the plot of ground on the City of Albion's Ball Field Complex, which is designated as the Skate Park at the said ball field.
3. "Public Square" shall mean a park the plot of ground bounded on the north by Marshal Street, the east by Liberty Street, the south by Johnson Street and the west by Main Street.
4. "Motor Vehicle" shall mean automobiles, go-carts, motorcycles, motor bicycles, and snowmobiles and all other mechanical engine-propelled conveyances.

47.03 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

47.04 FIRES. No fire shall be built, except in a place designated for such purpose, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.05 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

47.06 PARKS CLOSED. No person, , shall enter or remain within any park between the hours of 11:30 pm to 6:00 am, except for officials of the City of Albion, Iowa, therein on official business.

47.07 CAMPING. No person shall camp in any portion of a park except in portions prescribed or designated by the Council, and the City may refuse camping privileges or rescind any and all camping privileges for cause.

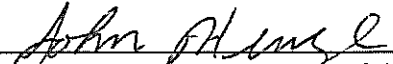
47.08 ALBION SKATE PARK RULES.

1. Hours. The Skate Park hours are dawn to dusk.
2. Unsupervised. The Skate Park is unsupervised and is used at the users own risk.
3. Equipment. Only skates, in-line skates, and/or skateboards can be used.
4. Loitering. There shall be no loitering on equipment.
5. Substances. There shall be no illegal drugs, tobacco, or alcoholic beverages anywhere in the Skate Park.
6. Glass Containers. No glass container are to be brought into the Skate Park.

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 10/17/16

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By:  Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

 City Clerk

Ordinance #55 – Chapter #55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Rabies Vaccination
55.02 Animal Neglect	55.12 Owner's Duty
55.03 Livestock Neglect	55.13 Confinement
55.04 Abandonment of Cats and Dogs	55.14 Confinement of Female Cats and Dogs
55.05 Livestock	55.15 At Large: Impoundment
55.06 Tethering of Animals	55.16 Disposition of Animals
55.07 At Large Prohibited	55.17 Impounding Costs
55.08 Damage or Interference	55.18 Pet Awards Prohibited
55.09 Annoyance or Disturbance	55.19 Unpaid Fees
55.10 Vicious Dogs	

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
8. "Owner" means any person owning, keeping, sheltering, or harboring an animal.
9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council. The keeping of swine, cattle or horses is prohibited within one hundred (100) feet of any dwelling other than the dwelling of the owner of such animals. Poultry or rabbits shall not be kept other than within an enclosure which shall be at least ten (10) feet from any side lot line or rear lot line and at least fifty (50) feet from any street line or residence.

55.06 TETHERING OF ANIMALS. No person shall stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over or across any public sidewalk, street or alley or private property other than the owner's.

55.07 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.10 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.11 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, that has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.13 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment and any fees or fines concurrent with the incident. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.14 CONFINEMENT OF FEMALE CATS AND DOGS. Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals, except for intentional breeding purposes.

55.15 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

1. Pickup Fee. – **CITY IMPOUNDMENT** - For any dog or cat running at large shall be TWENTY (\$20.00) dollars. If the same dog or cat is again caught running at large within thirty (30) days of the first pickup date, the charge shall be FORTY dollars (\$40.00); and if the same dog or cat is picked up a third time, or more, within thirty (30) days of the second pickup date, said charge shall be SIXTY dollars (\$60.00).

55.16 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, a verbal notice to the owner shall be given and written notice shall be provided to the owner within two (2) days after impoundment. If it is known, who the owner is or if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs. After contact by verbal and written notifications the owner will have seven (7) day to pick-up the animal. If the animal is not retrieved with in the allowed seven (7) days, the City of Albion will have the animal impounded at the Animal Rescue League at the owners' expense.

(Code of Iowa, Sec. 351.37, 351.41)

55.17 IMPOUNDING COSTS OF ANIMALS TAKEN TO THE ANIMAL RESCUE LEAGUE Impounding costs are EIGHTY dollars (\$80.00)

(Code of Iowa, Sec. 351.37)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.
 - C. Programs associated with Police Department, Fire Department, Military, and Veterans of the Military including but not limited to the Puppy Jake Foundation.

55.19 UNPAID FEES. Animal fees set in this chapter not paid in a timely manner by the appropriate person may have a special lien placed on their real property taxes upon certification to the County Treasurer, with the addition of a fifty dollar (\$50) administrative cost

Passed and approved by the Council of the City of Albion on this 18th day of September 2017.

1st READING 3/20/2017

2ND and 3rd READING 9/18/2017 using Rule 42A Waiver of Ordinance Readings.

By:  Mayor, John Henze

Attest: I, Jody Wallen, City Clerk of the City of Albion, hereby certify that at meeting of the City Council of Albion, held on the above date, among other proceeding the above was adopted.

, City Clerk

NOTICE OF PUBLIC HEARING ON CODIFICATION OF ORDINANCES
FOR THE CITY OF ALBION, IA

Notice is hereby given that the Council of the City of Albion, IA, will meet at the City Hall in Albion, IA, on the 18th day of September 2017, at 6:30pm at which time and place a public hearing will be held on the codification of ordinances per Iowa Code § 380.8. The following chapters of the codification process have been modified, amended, or unchanged: Ordinance #54 to Establish Fire and Emergency Services Department 501(3)c, Chapter 20 – City Attorney, Chapter 30 – Contract Law Enforcement, Chapter 36 – First Responders Unit, Chapter 36 cont. – Hazardous Spills, Chapter 45 – Public Offenses, Chapter 46 – Minors, Chapter 47 – Park Regulations. It is proposed that the Council of the City of Albion, IA adopt this ordinance #54 and these chapters. Published on order of the Council of Albion, Iowa, City of Albion, Iowa, by: Jody Wallen, City Clerk

ORDINANCE NO. 2019-01

Resolution # 2019-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF ALBION, IOWA BY AMENDING TITLE V. ORDINANCE # 2, NUISANCES

Be it Ordained by the City Council of the City of Albion, Iowa, that:

SECTION 1. The Code of Ordinances of Albion, Iowa, Title V. Ordinance # 2, Nuisances, Section V.01, is hereby amended by adding the following underlined provisions and deleting the following ~~striketrough~~ provisions:

V.01. Public nuisances prohibited; authority to abate.

The creation or maintenance of a nuisance is unlawful and is prohibited. The mayor or the mayor's designee is authorized to ~~abate nuisances~~ enforce this Chapter by exercising the administrative procedures provided in this Chapter or by issuing a citation for municipal infraction. ~~either by issuance of a municipal infraction or by administrative abatement procedures.~~ Whenever the mayor or designee finds that a nuisance exists, he or she shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. The authority for this Chapter and all its parts is pursuant to Iowa Code §364.12 (granting said authority to cities) and §657.2 (enumerating nuisances).

SECTION 2. The Code of Ordinances of Albion, Iowa, Title V. Ordinance # 2, Nuisances, Section V.01, is hereby amended by adding the following section, V.01.01:

V.01.01. Notice to Abate Nuisance; Service of Notice.

The notice to abate shall contain:

- (A) Description of nuisance. A description of what constitutes the nuisance;
- (B) Location of nuisance. The location of the nuisance, including address;
- (C) Acts necessary to abate. A statement of the act or acts necessary to abate the nuisance;
- (D) Reasonable time. A statement of the reasonable timeframe within which the property owner should complete the abatement; and
- (E) Assessment of city costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against the person or the property to the extent allowed by law.

The notice may be served by certified mail to the property owner of record.

SECTION 4. The Code of Ordinances of Albion, Iowa, Title V. Ordinance # 2, Nuisances, Section V.05(A), is hereby amended by adding the following underlined provisions and deleting the following ~~strikethrough~~ provisions:

V.05 Abatement by city after notice-Procedure; payment of costs.

A. In case of the failure of any person to correct, remove or abate a nuisance on written notice issued by the mayor or the mayor's designee and in the absence of a written request from the property owner for a public hearing, ~~served in the manner of an original notice, or by certified mail to the last known address of the owner, agent, lessee, occupant or other person in charge of the building or premises where the nuisance exists, and designating the time allowed for such removal, correction or abatement, the time thus allowed depending on the urgency of the case, then and at once upon such a failure,~~ the mayor or the mayor's designee shall may cause the nuisance to be summarily removed, corrected or abated, in the manner provided in the notice to abate. ~~and~~ The mayor or the mayor's designee, deputy sheriff and other such officers as may be directed by the city council or mayor or the mayor's designee therefore shall have the power at all times during the daytime to enter into and upon the premises and make thorough examination thereof for the purpose of ascertaining its sanitary conditions or the existence of nuisances therein, and to do whatever may be necessary to remove, correct or abate such nuisances.

SECTION 5. The Code of Ordinances of Albion, Iowa, Title V. Ordinance # 2, Nuisances, is hereby amended by striking section V.06, entitled "Abatement Hearing – Decision; appeal," and replacing in lieu thereof the following:

V.06. Abatement Hearing; Decision.

Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the city clerk within the timeframe stated in the notice. If a request for a hearing is not made, the existence of a nuisance is conclusively established, and it must be abated as ordered in the notice. The hearing will be before the Council at a time and place fixed by the Council. If the Council finds after a public hearing that a nuisance exists, it shall issue a written order finding the nuisance exists and that it shall be abated.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 7. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. Effective Date. This ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

The Albion City Council met in regular session on Dec 16, 2019 at 6:30 p.m. in the Albion City Hall. A motion by Dostal and seconded by Loffgren to approve the 1st consideration of **Resolution 2019-12 Nuisance Ordinance** and to wave the second and third readings. Resolution passed 4-0.

The Albion City Council met in regular session on Jan 20, 2020 at 6:30 p.m. in the Albion City Hall. Dostal motioned and Dudley seconded to approve **Ordinance #2019-01 Nuisance Ordinance Chapter 50**. Ordinance passed 5-0

Mayor, Eric Schmidt

Attest: City Clerk – Jody Wallen

ORDINANCE NO. 2019-02

Resolution # 2019-13

AN ORDINANCE AMENDING TITLE V OF THE CODE OF ORDINANCES OF ALBION, IOWA BY PROHIBITING THE MAINTENANCE OF DANGEROUS BUILDINGS WITHIN THE CITY AND PROVIDING FOR ENFORCEMENT AND PENALTIES

Be it Ordained by the City Council of the City of Albion, Iowa, that:

SECTION 1. The Code of Ordinances of Albion, Iowa, Title V., is hereby amended by adding the following Chapter, Ordinance, # 11, "Dangerous Buildings."

SECTION 2. ENFORCEMENT OFFICER. The Mayor or the Mayor's designee is responsible for the enforcement of this Chapter.

SECTION 3. GENERAL DEFINITION OF DANGEROUS. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such dangerous buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with this chapter.

SECTION 4. DANGEROUS BUILDING. "Dangerous building" means any structure meeting any of the criteria of the International Code Council, 1997 Uniform Code for the Abatement of Dangerous Building, which is hereby incorporated by this reference. Pursuant to the forgoing, a "Dangerous building" specifically includes, but is not limited to, any of the following criteria:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

4. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
5. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
6. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
7. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
8. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
9. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
10. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the public health official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
11. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
12. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to

constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION 5. ENFORCEMENT. Any property owner who maintains a dangerous building in the City may be subject to enforcement action as provided in this Chapter. Violation of this Chapter constitutes a municipal infraction which may be subject to enforcement action in district court.

SECTION 6. NOTICE TO OWNER.

A. Inspection. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be a dangerous building as defined in this Chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects and ordering abatement.

B. The notice shall include the following:

1. The address and legal description sufficient to identify the building location.
2. A statement that the enforcement officer has found the building dangerous with a description of the condition or conditions in violation of this Chapter.
3. A statement of the action required to be taken, including the work required to be done and the permits necessary to be secured.
4. If the structure must be vacated, the notice shall specify that the building or structure must be vacated within a specific time from the date of the notice as determined by the enforcement officer to be reasonable under the circumstances. The notice shall specify that if the building is not vacated within the time specified, the enforcement officer will post a Notice to Vacate and take all other necessary enforcement action to secure the safety of the occupants and public.
5. If the structure must be demolished, the order must require the building be vacated within such time as the enforcement officer shall determine is reasonable and a specific time from the date of the notice within which demolition must be completed as determined by the enforcement officer to be reasonable under the circumstances.
6. A statement advising that any required repair or demolition not commenced within the time specified will result in an order by the enforcement officer that the structure must be vacated, a posting of notice that future occupancy is prohibited until work is completed, inspected and approved by the enforcement officer, and that the City may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

C. Compliance: Any building declared dangerous under this Chapter shall comply as follows:

1. The building shall be repaired in accordance with current building code or other applicable code as specified by the enforcement officer in the notice and order to abate; or
2. The building shall be demolished at the option of the owner at the owner's cost; or
3. If any building or structure that is in such a condition as to make it immediately dangerous to the life, limb, property or safety of its occupants or the public, it shall be ordered to be vacated.

- a. If the structure is ordered to be vacated, the enforcement officer shall serve a Notice to Vacate on the owner and post at each entrance or exit to the building the following:

**DO NOT ENTER
UNSAFE TO OCCUPY**

By Order of the Enforcement Officer of City of Albion, Iowa

- b. Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.
- c. The occupation of premises deemed dangerous under this Chapter after a notice to vacate has been served and posted shall constitute a simple misdemeanor.

D. Notice Served. Such notice shall be served by certified mail to the owner of record pursuant to Iowa Code section 364.12(3)(h), if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

E. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

SECTION 8. CONDUCT OF HEARING. If requested, the Council shall conduct a hearing on the enforcement officer's notice to abate a dangerous building in accordance with the following:

1. **Notice.** The owner shall be served with written notice specifying the date, time and place of hearing.

2. **Owner's Rights.** At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

SECTION 9. RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the City Council may order the enforcement officer to proceed with the work specified in such notice.

SECTION 10. COSTS. The costs incurred by the City in the repair or demolition may be assessed against the property as provided by Iowa Code section 364.12(3) (2019).

The Albion City Council met in regular session on Dec 16, 2019 at 6:30 p.m. in the Albion City Hall. A motion by Hemming and seconded Kaufman to approve the 1st consideration of **Resolution 2019-13 Dangerous Buildings**. Resolution passed 4-0.

The Albion City Council met in regular session on Jan 20, 2020 at 6:30 p.m. in the Albion City Hall. A motion by Dostal and seconded by Loffgren to waive 3rd reading of **Resolution 2019-13 Dangerous Building Ordinance** 2nd consideration of draft. Resolution passed and moved to Ordinance for 2/17/2020 meeting 5-0.

The Albion City Council met in regular session on Feb 17, 2020 at 6:30 p.m. in the Albion City Hall. Loffgren motioned and Dostal seconded to **Resolution 2019-13 Dangerous Building Ordinance 2019-02**. Ordinance passed 4-0.

Mayor, Eric Schmidt

Attest: City Clerk – Jody Wallen

ORDINANCE

CHAPTER 122

RESOLUTION 2019-08 3rd and Final Reading 10-21-19

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	
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122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

122.01 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.

122.02 DEFINITIONS. For use in this chapter the following terms 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 any contribution or donation or any order for goods, services, 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, or who operates out of a vehicle that is parked anywhere within the City limits. 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.

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

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the City Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business 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 ten dollars (\$10.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.04a Before an application can be approved the applicant must also provide to the city a copy of current license from the Department of Inspections and Appeals, a copy of proof of insurance, a copy of Retail Sales Tax permit, a copy of owners drivers license.

122.05 LICENSE FEES. The following license fees shall be paid to the City Clerk prior to the issuance of any license.

1. Peddlers or Transient Merchants.
 - A. For one day \$ 20.00
 - B. For one week \$ 30.00

122.06 BOND REQUIRED. Before a license under this chapter is 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 of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the City Clerk / Council 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.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City 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.

122.09 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.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 10:00 p.m.

122.11 REVOCATION OF LICENSE. Following a written notice and an opportunity for a hearing, the City Clerk / Council may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The City Clerk / Council shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

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

122.13 RECORD AND DETERMINATION. The City Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the City Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL. If the City Clerk / Council revokes or refuses to issue a license, the City Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the City Clerk by a majority vote of the Council members present and the Mayor shall carry out the decision of the Council.

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

122.16 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 ten dollars (\$10.00) of the original fee shall be retained by the City to cover administrative costs.

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

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the surrounding School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales. ie Schwans

122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the City Clerk / Council 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 City Clerk / Council finds that the organization is a bona fide charity or nonprofit organization, the City Clerk / Council shall issue, free of charge, a

license containing the above information to the applicant. In the event the City Clerk / Council denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

PASSED and APPROVED amended ORDINANCE by Albion City Council on the 18th day of November, 2019.

Mayor, Kim Dostal

Attest: City Clerk Jody Wallen

**CITY OF ALBION, IOWA
ORDINANCE CHAPTER 75 RESOLUTION # 2019-11B
SNOWMOBILES**

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Definitions

Snowmobile means a motorized vehicle weighing less than 1000 pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

City or The City means the City of Albion

Laws & Regulations

No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or rules established by the Natural Resources Commission of the IDNR governing their registration, numbering, equipment and manner of operation.

The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City of Albion.

1. Unplowed streets. Snowmobiles may be operated upon streets which have not been plowed during snow season
2. Route. Snowmobiles may be operated on snowmobile routes designated by the City from time to time for the purpose of ingress and egress from the city only
3. Other streets. Snowmobiles may be operated on any street within the City for the sole and exclusive purpose of using the most direct roadway to an approved snowmobile route. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.
4. Maximum Speed. The maximum speed at which a snowmobile may be operated within the corporate limits of the City shall be the speed limit.
5. License Required. No person shall operate a snowmobile on within the corporate limits of the City unless such person has a valid license issued by the Iowa Department of Transportation or is exempt from the licensing requirements of sections 321.174 and 321.175 of the 1987 code of Iowa by section 321.176 of the said code, or unless such a person had been issued a safety certificate by the Iowa Conservation Commission pursuant to section 321G.24, 1987 Code of Iowa
6. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

- a. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway enters travel by conventional motor vehicles impractical.
- b. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:
 - i. The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing
 - ii. The snowmobile is brought to a complete stop before crossing the street;
 - iii. The drivers yields the right-of-way to all on-coming traffic which constitutes an immediate hazard and;
 - iv. In crossing a divided street, the crossing is made at an intersection of such street with another street
7. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
8. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.
9. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property including well fields without express permission of the City. A snowmobile shall not be operated on any city land without snow cover of at least one-tenth of an inch.
10. Sidewalk or Parking. Snowmobiles shall not be operated upon public sidewalk or that portion of the street located between the curb line and the sidewalk or the property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
11. Hours of Operation. No snowmobile shall be operated in the City after 11:00 pm Sunday through Friday, or after midnight on Saturday, or before 7:00 am, except for emergency situations or for unloading and loading a transport trailer.
12. Lights. The headlight and taillight shall be lighted during the operation of the vehicle on a public street or highway at all times from sunset to sunrise and at such other times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernable persons and vehicles at a distance of 500 feet.
13. Muffler. A snowmobile shall not be operated on a public street or highway without a suitable effective muffling device.
14. Penalties. Violation of this chapter will go in accordance with Iowa Code Sections 321G and 321I, as applicable. A peace officer enforcing this chapter or the applicable portions of the Iowa Code may impound any vehicle in violation of this Chapter.
15. Thaw Ban. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.
16. Violations. It shall be unlawful for any person to drive or operate any snowmobile:

- a. At a rate of speed greater than reasonable or proper under all existing circumstances or greater than posted speed limit.
 - b. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. While under the influence of any substance.
 - d. Without a lighted headlight and taillight when required as provided herein.
 - e. On or within a public park or public school grounds within the corporation limits of the city
 - f. From the hours of 11:00pm – 7:00am
 - g. On any public road or street without a bright-colored pennant or flag displayed at least 60” above the ground. Said pennant or flag shall be a minimum of 6” by 9”, shall be orange and shall provide a fluorescent effect.
17. Common title. The ordinance may be cited as the Albion Snowmobile Ordinance
18. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
19. Repealer. All ordinance or parts in conflict with the provisions of the Ordinance are hereby repealed

Education

The snowmobile education course is designed to teach students the principles of safe snowmobiling and how snowmobiling affects other people and the environment. The following age restrictions apply to persons operating a snowmobile on public land, public ice, designated riding trails or designated riding areas in Iowa: Persons under the age of 16 may operate their own snowmobile under the direct supervision of a responsible person of at least 18 years of age experienced in snowmobile operation who possesses a valid driver's license or an education certificate issued or recognized by the DNR. Persons 12 through 17 must have a valid education certificate in their possession when operating. Persons 16 to 17 may operate unsupervised, but must have a valid education certificate. Restrictions on operating a motor vehicle also apply to persons in this age group. Persons 18 and older may operate without an education certificate if their privilege to operate a motor vehicle has not been barred or revoked. The focus of the DNR Snowmobile Education Program is to provide an education course that reduces the rate of accidents, injuries, property damage, and fatalities, while at the same time promoting the development of environmental stewards by educating our students about environmental concerns, energy conservation and proper maintenance of snowmobiles, and promoting the practice of only riding in legal areas and with landowner permission. Students can attend an instructor-led class or take a certification course online. Students must complete a written exam with a minimum score of 80% to receive an education certificate.



PASSED by Albion City Council on the ___ day of _____, 20__ and
APPROVED this ___ day of _____, 20__

Mayor, Eric Schmidt

Attest: City Clerk Jody Wallen

ORDINANCE NO. 2019-03

RESOLUTION 2019-14

CHAPTER #3

AN ORDINANCE AMENDING TITLE V OF THE CODE OF ORDINANCES OF ALBION, IOWA, TO ADD CHAPTER # 3 REGARDING MUNICIPAL INFRACTION

Be it Ordained by the City Council of the City of Albion, Iowa, that:

SECTION 1 CODE OF ORDINANCES AMENDED. The Code of Ordinances of Albion, Iowa, Title V., is hereby amended by adding the following Chapter, Ordinance, # 12 "Municipal Infractions."

SECTION 2 MUNICIPAL INFRACTION.

A violation of any ordinance or the omission or failure to perform any act or duty required by an ordinance constitutes a municipal infraction subject to civil penalties as provided in this Chapter.

SECTION 3 ENVIRONMENTAL VIOLATION.

A violation of Iowa Code Chapter 455B or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation and is subject to the special penalties provided in this Chapter. The provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation.

The provisions of this section shall also not be applicable to the following violations:

1. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person who is not engaged in the industrial production or manufacturing of grain products.
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.
3. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. § 403.8.

SECTION 4 PENALTIES.

The following civil penalties shall be imposed for a municipal infraction:

- A. First Offense - Not to exceed \$500.00

- B. Each Repeat Offense - Not to exceed \$750.00. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.
- C. Noncompliance with Pretreatment standards or requirements referred to in 40 C.F.R. § 403.8: Not to exceed one thousand dollars (\$1,000.00) for each day a violation exists or continues to exist.
- D. Environmental Violation: Not more than one thousand dollars (\$1,000.00) for each occurrence. An environmental violation is not subject to penalty if all of the following conditions are met:
 - a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - b. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - c. The violation does not continue in existence for more than eight (8) hours.

SECTION 5 CIVIL CITATIONS.

Any officer authorized by the City to enforce this Code may issue a civil citation to a person who commits a municipal infraction. The citation shall be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311.

A copy of the citation shall be retained by the issuing officer, and one copy shall be electronically filed with the Marshall County Clerk of Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.

6. The time and place of court appearance.
7. The penalty for failure to appear in court.

SECTION 6 ALTERNATIVE RELIEF.

Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

SECTION 7 CRIMINAL PENALTIES.

This chapter does not limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means if provided under state law or ordinance.

The Albion City Council met in regular session on Dec 16, 2019 at 6:30 p.m. in the Albion City Hall. A motion by Loffgren and seconded by Dostal to approve the 1st consideration of **Resolution 2019-14 Municipal Infractions** and to wave the second and third readings. Resolution passed 4-0.

The Albion City Council met in regular session on Jan 20, 2020 at 6:30 p.m. in the Albion City Hall. Dostal motioned and Hemming seconded to approve **Ordinance #2019-03 Municipal Infractions Ordinance Chapter 3**. Ordinance passed 5-0.

Mayor, Eric Schmidt

Attest: City Clerk – Jody Wallen