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CHAPTER 1

CODE OF ORDINANCES

Sections:

1.1 Title.
1.2 Contents.
1.3 Prior Ordinances.
1.4 Altering the Code.
1.5 Definitions.
1.6 Rules of Construction.
1.7 References and Notes.
1.8 Penalty.

SEC. 1.1 TITLE. This code of ordinances for the city of Waverly, Iowa shall be named and cited as the Waverly municipal Code.

SEC. 1.2 CONTENTS. This code shall contain all the regulatory, penal, and administrative ordinances of the city.

SEC. 1.3 PRIOR ORDINANCES.

1. Any reference to an ordinance, including any provision of this code or any other ordinance enacted by the council shall mean that any existing amendment to the ordinance shall apply, unless otherwise provided.

2. The adoption of this code, or an amendment to any provision of this code or any other ordinance enacted by the council, shall not affect the following:

    a. A prosecution for a violation of any ordinance, provided that the violation was committed prior to the date that such amendment became effective.

    b. An obligation to satisfy any requirement of an ordinance, including any requirement or condition of a license, judgment, contract, bond, trust or cash deposit, or to pay any fee or penalty, provided that the requirement was due to be satisfied before the amendment became effective, unless the council declares otherwise.

SEC. 1.4 ALTERING THE CODE.

1. All measures which amend or in any way affect the code shall include a proper reference to the section of the code affected by the measure.

2. No person shall alter any part of the code in a way which will cause the law of the

city to be misrepresented.

SEC. 1.5 DEFINITIONS. Where any word or phrase is defined in the current Code of Iowa, such definitions shall apply to any identical word or phrase appearing in this code of ordinances unless otherwise specifically defined in a provision of this code. Words and phrases, defined in the Code of Iowa, as amended, and requiring reiteration or modification, and other words or phrases appearing in this code of ordinances, shall have the following definitions, unless otherwise specifically defined in another provision of this code:

1. Act. The term "act" shall mean a voluntary action taken by any person, or government. The term "act" shall include a failure to take any action which the law requires a person or government to perform. Whenever in this code any act is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act.

2. Amendment. The term "amendment" shall mean any revision, correction, repeal, addition or any other official change made in a provision of this code or any existing ordinance of the City of Waverly.

3. Citizen. The term "citizen" shall mean any person who is domiciled in a political subdivision with an intention to remain therein as a resident.

4. City. The term "city" shall mean the City of Waverly, Iowa, and all territory within its jurisdiction. The jurisdictional limits of the City of Waverly shall be limited only by Federal or State statute, court decision, or constitutional provision.

5. Clerk. The term "clerk" shall mean the office of the city clerk for Waverly.

6. Code. The term "code" or "Code of Ordinances" shall mean the Waverly Municipal Code.

7. Computation of Time. The phrase "computation of time" shall mean a period capable of being measured in seconds, hours, days, months, or years, within which an act must be completed. Where the period of measurement equals one or more days, the time shall be computed by excluding the first possible day and including the last possible day of such period, unless otherwise specifically stated. If the last day of such period is a Sunday or a legal holiday, that day shall be replaced by the following day.

8. Council. The term "council" shall mean the City Council of the City of Waverly, Iowa.

9. Council Member. The term "council member" shall mean any member elected or appointed to serve on the City Council for the City of Waverly.

10. County. The term "county" shall mean Bremer County, Iowa.

11. Day. The term "day" for purposes of conducting city business means those days and hours set by the city to conduct such business.

12. Election. The term "election" shall mean the regular election or runoff election for the nomination or election of city officers, including council members, the mayor and the hospital trustees.

13. Special Election. The term "special election" shall mean any election specially called by the council. The term shall not include a "general election," "primary election" or "election" as defined in Chapter 39 of the Code of Iowa.

14. Electors.

    a. Eligible Elector. The term "eligible elector" shall mean a person who possesses all the qualifications necessary to entitle the person to be registered to vote in a city election, whether or not the person is in fact registered.

    b. Qualified Elector. The term "qualified elector" shall mean a person who is registered to vote in a city election.

15. Following. The term "following" shall mean that which is next after.

16. Government. The term "government" shall include the following:

    a. Federal and State. The legislative, executive and judicial branches, and the independent regulatory or administrative agencies and any other governmental entities established by either the United States or the State of Iowa.

    b. City. The mayor and City Council and any officers, staff, departments, boards, committees, commissions, agencies or other governmental entitles established or authorized to act by the City Council for the City of Waverly.

17. Governmental Entity. The term "governmental entity" or "governmental body" shall mean any department, office, board, committee, commission, agency, panel, bureau, division, political subdivision, school corporation, public authority, staff, officer or other official established, selected or employed by the government to act in conducting governmental business.

18. Law. The term "law" or "lawful" shall refer to any of the following:

    a. Federal Law. Any applicable federal constitutional provision, federal court decision or order, or any valid statute, regulation, rule or decision by an administrative agency, of the United States government.

    b. State Law. Any applicable constitutional provision of the Iowa constitution, State of Iowa statute court decision or order, or any valid agency or

department regulation or rule or decision by an administrative hearing officer, of the State of Iowa.

c. City Law. Any applicable and valid ordinance by the City Council of the City of Waverly, or any rule or regulation published under the authority of such council.

19. Measure. The term "measure" shall mean an ordinance, amendment, resolution or motion.

20. Month. The term "month" shall mean one calendar month.

21. Oath. The term "oath" shall include "affirmation". In all cases where law allows affirmation to be substituted for an oath, the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".

22. Occupant. The term "occupant" shall mean any person who is in possession of the whole or any part of a building or land.

23. Officer. The term "officer" shall mean a person elected or appointed to exercise law making, administrative or executive authority in managing city affairs.

24. Official. The term "official" shall mean a person elected or selected to hold a position by the government and exercising some portion of the power of the government.

25. Ordinance. The term "ordinance" shall mean any law, including any amendment, enacted by the council.

26. Own. The term "own" shall mean that interest held in any property by an owner.

27. Owner. The term "owner" shall mean a person or a government holding any interest in any property.

28. Person. The term "person" shall mean an individual, firm, partnership, domestic or foreign corporation, company, association of joint stock association, trust, or other legal entity, and includes a trustee, receiver, agent, assignee or similar representative thereof. The term "person" does not however, include the government or any governmental entity.

29. Preceding. The term "preceding" shall mean that which is next before.

30. Private Drive. The term "private drive" shall mean any drive, including any pathway, roadway, driveway, parking area, avenue, channel, alley, bridge, sidewalk or street, which is not a throughway or used for commercial purposes.

31. Property. The term "property" shall mean anything of value whether publicly or privately owned, tangible or intangible, and including the following:

    a. Real Property. Any land, estates and tenements.

    b. Personal Property. Any goods, chattels, money, things in action, evidences of debt, labor or services.

32. Provision. The term "provision" shall mean any part of the law in this code, including any title or heading chapter, article, section, subsection, paragraph and subparagraph and any similar part of the current Code of Iowa or United States Code.

33. Public Place. The term "public place" shall mean any land, building, territory, geographic location or area owned by a government, public utility, railroad, airport, hospital or any area open to and accessible to the general public.

34. Public Property. The term "public property" shall mean any property owned by a government, public utility, railroad, airport or hospital.

35. Public Way. The term "public way" shall mean a throughway.

36. Quorum. A quorum of public body is a majority of the number of its members fixed by law.

37. Rule. The term "rule" includes regulation.

38. Selection. The term "selection" shall include the process of choosing any person to serve in a position of city authority, including the appointment or employment of a person to such position.

39. State. The term "state" shall mean the State of Iowa.

40. Statute. The term "statute" shall mean a section of the latest edition of the United States Code or the Code of Iowa.

41. Tenant. The term "tenant" shall mean any person who lawfully occupies the whole or any part of a building or land.

42. Throughway. The term "throughway" shall mean any open way, pathway, roadway, avenue, channel or parking area on or through which transportation is carried and which is established or regularly used, for the purpose of transporting the public or commerce. The term "throughway" shall include the following:

    a. Alley. Any public right-of-way, other than a street, providing a secondary means of access to an abutting property.

b. Bridge. Any public structure established to carry a pathway, roadway or railway over a depression or obstacle. Bridges in the City of Waverly include

c. the Bremer Avenue Bridge, the 3rd Street Southeast Bridge, the Chicago Great Western Railroad Bridge and the Stockwell Bridge.

d. River. The Cedar River.

e. Sidewalk. Any paved public walkway, including any paved part of the street between the edge of the traveled way, surfacing or curb line and the adjacent property line, established for the use of pedestrians.

f. Street. Any public thoroughfare which shall include any highway, avenue, boulevard or public parkway, including the entire width between the adjacent property lines of any such thoroughfare.

43. Writing. The term "writing" shall include any printing, typing, lithographing, or other mode of legibly representing characters or words of a spoken language.

44. Year. The term "year" shall mean 12 consecutive months.

SEC. 1.6 RULES OF CONSTRUCTION. In construing the ordinances of the Waverly Municipal Code, each provision shall be read to further its purposes and to promote justice. The following rules shall be applied, unless construing an ordinance would be inconsistent with the manifest intent of the council or repugnant to the clear meaning of another provision in the code:

1. Any code section or ordinance which is reenacted, reused or amended is intended to be a continuation of the prior ordinance or section and not a new enactment, so far as it is the same as the prior ordinance or section.

2. All provisions, words, terms, phrases and expressions which are not defined specifically shall be construed according to the following rules:

   a. Language which does not have a technical meaning in state common law shall be defined according to the appropriate, common and approved usage of the language. Such language shall be liberally construed.

   b. Technical. Language which does have a technical meaning in state common law shall be defined according to the appropriate technical meaning of the language. Such language shall be strictly construed.

3. If a general provision conflicts with a special or local provision, they should be construed, if possible, so that effect is given to both. If the conflict is irreconcilable, the special or local provision prevails as an exception to the general provision.

4. Permissive and Mandatory Language.

   a. May. The term "may" is permissive, conferring discretion to act in a prescribed way or not.

   b. Shall. The term "shall" is mandatory, imposing a duty to act in a prescribed way.

   c. Must. The term "must" is mandatory, imposing a requirement to act in a prescribed way.

5. Gender Use. The masculine gender shall include the feminine and neuter genders. The feminine gender shall include the masculine and neuter genders.

6. Present Tense Language. Words used in the present tense shall also mean in the future tense.

7. Singular and Plural Language. The singular number includes the plural and the plural includes the singular.

8. Repeal of Ordinances. The repeal of an ordinance shall not revive any ordinance which has been repealed or repeal the clause repealing the ordinance.

SEC. 1.7 REFERENCES AND NOTES. Any reference line, reference number, footnote, editor's note, or cross reference, to an earlier ordinance or to federal or state law is intended merely to indicate, explain, supplement or clarify the contents of a provision, and shall not constitute any part of city law, unless set out in the body of the provision.

SEC. 1.8 PENALTY. Any person who fails to perform a duty, obtain a license required by city law or who violates any provision either specifically set out or adopted by reference in this code shall be guilty of a simple misdemeanor or criminal offense. For such failure or violation the person shall be subject to a fine of not more than one hundred dollars ($100.00) or imprisonment not to exceed thirty (30) days. The city administrator shall have the power to issue warrants for violators of any section of this code.

SEC. 1.9 SEVERABILITY. If any provision or part of this code is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Waverly Municipal Code as a whole nor any other provision or part of the code.

CHAPTER 2

CHARTER

Sections:

2.1 Title.
2.2 Purpose.
2.3 Form of Government.
2.4 Recorded.
2.5 Effective Date.

SEC. 2.1 TITLE. This chapter may be cited as the charter for the City of Waverly.

SEC. 2.2 PURPOSE. The purpose of this chapter is to comply with Section 372.1 of the current Code of Iowa, as amended.

SEC. 2.3 FORM OF GOVERNMENT. The form of government of the City of Waverly is the mayor-council form, consisting of the following:

1. Mayor. The mayor is the presiding officer of the council, and the chief executive officer of the city. The mayor is elected to serve for a term of two (2) years.

2. Mayor Pro Tempore. The mayor pro tempore is a member of the council appointed by the mayor to perform the mayor's duties when the mayor is absent or unable to act.

3. Council. The council is composed of seven (7) members. Two (2) such members are elected at large, and one (1) member is elected from each of the five (5) wards described by ordinance. Each member elected to the council serves a term of four (4) years. The City Council is authorized to act for the general welfare of the city.

SEC. 2.4 RECORDED. A copy of this charter is to be filed with the official records in the city clerk's office, available for public inspection. A copy of this charter is to be filed with the Iowa Secretary of State.

SEC. 2.5 EFFECTIVE DATE. This charter shall become effective upon final approval by the council, proper filing and publication as required by law.

CHAPTER 3

CITY LIMITS

Sections:

3.1 City Area Description.
3.2 City Metes and Bounds Description

SEC. 3.1 CITY AREA DESCRIPTION. The area included within the boundaries of the city is as follows:

All of Sections 33, 34, and 35 in Township 92 North, Range 14 West of the 5th P.M.;

All that part of Section 27 in Township 92 North, Range 14 West of the 5th P.M., including the NE¼, SE¼ and SW¼ of the SW¼, the South one-half of the SE¼ of the NW¼, and the South one-half of the SE¼;

All that part of Section 26 in Township 92 North, Range 14 West of the 5th P.M., including the South one-half of the SW¼, South one-half of the SE¼ and Parcel D in the NW¼ of the SE¼;

All that part of Section 36 in Township 92 North, Range 14 West of the 5th P.M., including NW¼, SW¼ and SE¼.

All of Sections 1, 2, 3 and 11 in Township 91 North, Range 14 West of the 5th P.M.;

That part of Section 4 in Township 91 North, Range 14 West of the 5th P.M. including the NE¼, SW¼, SE¼ and the North one-half of the NW¼;

That part of Section 10 in Township 91 North, Range 14 West of the 5th P.M. including the North one-half and all that part of the South one-half lying east of the west right of way line of the Cedar River Railroad Co.

That part of Section 12 in Township 91 North, Range 14 West of the 5th P.M. including the North one-half and the North one-half of the SW¼;

That part of Section 14 in Township 91 North, Range 14 West of the 5th P.M. including the NW¼ of the NW¼;

That part of Section 15 in Township 91 North, Range 14 West of the 5th P.M., including the NE¼ of the NE ¼ and the NW¼ of the NE¼ east of the right of way of the Cedar River Railroad Co.;

That part of Section 6 in Township 91 North, Range 13 West of the 5th P.M., including the SW¼ and the West one-half of the SE¼;

That part of Section 7 in Township 91 North, Range 13 West of the 5th P.M., including the NW¼ and the West one-half of the NE¼.

SEC. 3.2 CITY METES AND BOUNDS DESCRIPTION. The corporate boundaries to the area described in Section 1 of this chapter, described in metes and bounds, is as follows:

Commencing at the NW corner of Section 33, T92N, R14W of the 5th P.M.; thence east to the SW corner of Section 27, T92N, R14W of the 5th P.M.; thence north to the NW corner of the SW¼ of the SW¼ of said Section 27; thence east to the NE corner of the SW¼ of the SW¼ of said Section 27; thence north to the NW corner of the South one-half of the SE¼ of the NW¼ of said Section 27; thence east to the NE corner of the South one-half of the SE¼ of the NW¼ of said Section 27; thence south to the NW corner of the South one-half of the SE¼ of said Section 27; thence east to the NE corner of the South one-half of the SW¼ of Section 26, T92N, R14W of the 5th P.M., which is also the SW corner of Parcel D, in Section 26, T92N, R14W of the 5th P.M., according to Plat of Survey recorded as Doc. No. 20052607; thence north to the NW corner of said Parcel D; thence east to the NE corner of said Parcel D; thence south to the SE corner of said Parcel D, which is on the North line of the South one-half of the SE¼ of said Section 26; thence east to the NE corner of the SE¼ of the SE¼ of said Section 26; thence south to the SE corner of the SE¼ of said Section 26, which is also the NW corner of Section 36, T92N, R14W of the 5th P.M.; thence east to the NE corner of the NW¼ of said Section 36; thence south to the center of said Section 36; thence east to the NE corner of the SE¼ of said Section 36; thence south to the NW corner of the SW¼ of Section 6, T91N, R13W of the 5th P.M.; thence east to the NE corner of the west one-half of the SE¼ of said Section 6; thence south to the SE corner of the west one-half of the NE¼ of Section 7, T91N, R13W of the 5th P.M.; thence west to the center of Section 12, T91N, R14W of the 5th P.M.; thence south to the SE corner of the North one-half of the SW¼ of said Section 12; thence west to the SW corner of the North one-half of the SW¼ of said Section 12; thence south to the SE corner of Section 11, T91N, R14W of the 5th P.M.; thence west to the NE corner of the NW¼ of the NW¼ of Section 14, T91N, R14W of the 5th P.M.; thence south to the SE corner of the NW¼ of the NW¼ of said Section 14; thence west along the south line of the NW¼ of the NW¼ of Section 14 and the south line of the North one-quarter of Section 15, T91N, R14W to the west right-of-way line of the Cedar River Railroad Co.; thence north along said west line of the right-of-way to the east-west centerline of Section 10, T91N, R14W of the 5th P.M.; thence west to the west line of said Section 10; thence north to the NW corner of said Section 10 and the SE corner of Section 4, T91N, R14W of the 5th P.M.; thence west along the south line of Section 4 T91N, R14W of the 5th P.M. to the SW corner of the SW¼ of Section 4; thence north to the NW corner of the SW¼ of said Section 4; thence east to the NE¼ corner of the SW¼ of said Section 4; thence north to the SE corner of the North one-half of the NW¼ of said Section 4; thence west to the SW corner of the North one-half of the NW¼ of said Section 4; thence north to the NW corner of Section 33, T92N, R14W of the 5th P.M., the place of beginning.

(Former Chapter 3 Repealed and Replaced by Ordinance 1097 – Published on 01/25/22)

CHAPTER 4
WARDS

Sections:

4.010	Establishment Generally.
4.020	First Ward/Precinct.
4.030	Second Ward.
4.031	Second Precinct.
4.040	Third Ward/Precinct.
4.050	Fourth Ward.
4.051	Fourth Precinct.
4.060	Fifth Ward/Precinct.

SEC. 4.010 ESTABLISHMENT GENERALLY. For election and other purposes, the city is divided into five wards. The wards shall be known and called: First Ward, Second Ward, Third Ward, Fourth Ward, and Fifth Ward and shall be described as follows in this Chapter.

SEC. 4.020. FIRST WARD / FIRST PRECINCT.

Commencing at the intersection of 4th Street SW and 2nd Avenue SW as Point of Beginning. Thence east along 2nd Avenue SW to 1st Street SW. Thence north along 1st Street SW to Bremer Avenue. Thence east and southeast along Bremer Avenue to 30th Street SE. Thence south along 30th Street SE to the city limit line at the SW corner of the NW¼ of Section 7, T91N, R13W.

Thence west along the city limit line on the east-west centerline of Section 12, T91N, R14W to the center point of Section 12. Thence south along the city limit line to the NE corner of the SE¼ of the SW¼ of Section 12. Thence west on the city limit line to 11th Street SE. Thence south along 11th Street SE to 29th Avenue SE.

Thence west along 29th Avenue SW to the NE corner of the NW¼ of the NW¼ of Section 14, T91N, R14W. Thence south along the city limit line on the east line of the NW¼ of the NW¼ quarter to its SE corner. Thence west along the city limit line on the south line of the NW¼ of the NW¼ of Section 14 and the south line of the North one-quarter of Section 15, T91N, R14W to the centerline of the right-of-way of the Cedar River Railroad Co. Thence north along the centerline to the center east-west line of Section 10, T91N, R14W. Thence west along the city limit line on the center east-west line of Section 10 to the west line of Section 10. Thence north along the city limit line on the west line of Section 10 to 10th Avenue SW. Thence east along 10th Avenue SW to the centerline of the right-of-way of the Cedar River Railroad Co. Thence north along the centerline to 2nd Avenue SW.

Thence east along 2nd Avenue SW to 8th Street SW. Thence south along 8th Street SW to 5th Avenue SW. Thence east along 5th Avenue SW to 4th Street SW. Thence north along 4th Street SW to the intersection with 2nd Avenue SW, the Point of Beginning.

SEC. 4.030. SECOND WARD / SECOND PRECINCT.

Commencing at the intersection of the west bank of the Cedar River and Bremer Avenue as Point of Beginning. Thence north along the west bank of the Cedar River to the Waverly Rail Trail. Thence northwesterly along the Rail Trail to 1st Street NW. Thence north along 1st Street NW to the point where it joins Adams Parkway. Thence in a northeasterly direction along Adams Parkway to the north bank of the Cedar River.

Thence in a northwesterly direction along the north bank of the Cedar River until it intersects with the city limits line at the NW corner of the south half of the SE¼ of Section 27, T92N, R14W. Thence east along the city limit line on the north line of said south half to Horton Road. Thence north along Horton Road to the NW corner of Parcel D in the NW¼ of the SE¼ of Section 26, T92N, R14W. Thence east along the city limit line on the north line of Parcel D to its NE corner. Thence south along the city limit line to the SE corner of Parcel D which is on the North line of the South one-half of the SE¼ of said Section 26. Thence east along the city limit line to the east line of Section 26. Thence south along the city limit line on the east line of Section 26 to the NW corner of Section 36, T92N, R14W.

Thence east along the city limit line on the north line of Section 36 to the north-south centerline of Section 36. Thence south along the city limit line on the north-south centerline of Section 36 to the center point of Section 36. Thence east along the city limit line on the east-west centerline of Section 36 to the east line of Section 36. Thence south along the city limit line on the east line of Section 36 and the west line of Section 6, T91N, R13W to the east-west centerline of Section 6.

Thence east along the city limit line on the east-west centerline of Section 6 to the NE corner of the West one-half of the SE¼ of Section 6. Thence south along the city limit line on the west line of the east quarter of the south half of Section 6 and the west line of the east quarter of the north half of Section 7, T91N, R13W to the east-west centerline of Section 7.

Thence west along the city limit line on said east-west centerline of Section 7 to 30th Street SE. Thence north along 30th Street SE to Bremer Avenue. Thence northwesterly and west along Bremer Avenue to the west bank of the Cedar River, the Point of Beginning.

SEC. 4.040. THIRD WARD / THIRD PRECINCT.

Commencing at the intersection of 4th Street SW and 2nd Avenue SW as Point of Beginning. Thence east along 2nd Avenue SW to 1st Street SW. Thence north along 1st Street SW to Bremer Avenue. Thence east along Bremer Avenue to the west bank of the Cedar River. Thence north along the west bank to the Waverly Rail Trail. Thence northwesterly along the Rail Trail to 1st Street NW. Thence south on 1st Street NW to 5th Avenue NW.

Thence west along 5th Avenue NW to the easterly line of Census Block 2006/Geocode 190170040002006. Thence north along the easterly line of said Census Block to the center line of the railroad right-of-way of the Cedar River Railroad Co. Treasury & Taxation

Downtown Station. Thence west along said centerline to 12th Street NW. Thence south along 12th Street NW to 5th Avenue NW.

Thence westerly along 5th Avenue NW to the centerline of the Cedar River Railroad Co. Thence southerly along the said centerline to 2nd Avenue SW. Thence east along 2nd Avenue SW to 8th Street SW. Thence south along 8th Street SW to 5th Avenue SW. Thence east along 5th Avenue SW to 4th Street SW. Thence north along 4th Street SW to 2nd Avenue SW, the Point of Beginning.

SEC. 4.050. FOURTH WARD / FOURTH PRECINCT.

Commencing at the NW corner of Section 4, T91N, R14W, as Point of Beginning. Thence east along 5th Ave NW to the centerline of the right-of-way of the Cedar River Railroad Co. Thence south along said centerline to 10th Avenue SW. Thence west along 10th Avenue SW to the SE corner of Section 4, T91N, R14W. Thence west along the city limits line on the south line of Section 4 to the SW corner of Section 4. Thence north along said city limit line on the west line of Section 4 to the NW corner of the SW¼ of Section 4. Thence east along the city limit line on the north line of the SW¼ of Section 4 to the NE corner of the SW¼ of Section 4. Thence north along the city limit line on the west line of the NE¼ of Section 4 to the SE corner of the North one-half of the NW¼ of Section 4. Thence west along the city limit line on the south line of the North one-half of the NW¼ of Section 4 to the west line of Section 4. Thence north along the city limit line on the west line of Section 4 to the NW corner of Section 4, the Point of Beginning.

SEC. 4.060. FIFTH WARD / FIFTH PRECINCT.

Commencing at the SW corner of Section 33, T92N, R14W, as Point of Beginning. Thence east along the south line of Section 33 to the SE corner thereof which is also the intersection of 5th Avenue NW and 20th Street NW. Thence east along 5th Ave NW to 12th Street NW. Thence north on 12th Street NW to the centerline of the railroad right-of-way of the Cedar River Railroad Co. Treasury and Taxation Downtown Station. Thence east along the centerline of right-of-way to the NE corner of Census Block 2006/Geocode 190170040002006. Thence south along the easterly line of said Census Block to 5th Avenue NW. Thence east along 5th Avenue NW to 1st Street NW.

Thence north along 1st Street NW to the point where it joins Adams Parkway. Thence in a northeasterly direction along Adams Parkway to the north bank of the Cedar River. Thence in a northwesterly direction along the north bank of the Cedar River until it intersects with the city limits line at the NW corner of the south half of the SE¼ of Section 27, T92N, R14W.

Thence north on the city limit line on the north-south centerline of Section 27 to the NE corner of the South one-half of the SE¼ of the NW ¼ of Section 27. Thence west to the NW corner of the South one-half of the SE¼ of the NW ¼ of Section 27. Thence south along the city limit line to the north line of the SW¼ of the SW¼ of Section 27. Thence west along the city limit line on said north line to the west line of Section 27.

Thence south along the city limit line on the west line of Section 27 to 22nd Avenue NW. Thence west along 22nd Avenue NW to the west city limit line on the west line of Section 33, T92N, R14W. Thence south along the city limit line on the west line of Section 33 to the SW corner of Section 33, the Point of Beginning.
(Ordinance 1095 – Published on 01-25-22)

Section 2. PRECINCTS. Each ward shall consist entirely of one precinct.

CHAPTER 5

GENERAL PROVISIONS

Sections:

5.1 Corporation Seal.
5.2 Right of Entry.
5.3 General Penalty.

SEC. 5.1 CORPORATION SEAL. The corporation seal of the city now and hereafter to be used is adopted, established and declared to be the common seal of the city and is described as follows: A disk having around the margin thereof the words "City Seal" and in the center of the face thereof the words "Waverly, Iowa." The city clerk shall have the custody of and cause the same to be affixed to all deeds or other instruments conveying, encumbering or affecting real estate, releases, contracts, licenses, permits and orders drawn on the city treasurer, and to such other instruments as the laws of the state or the ordinances of the city may require same to be affixed including all transcripts, orders or certificates which it may be necessary or proper to authenticate.

SEC. 5.2 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations or when consent of the owner or occupant to the inspection has been otherwise obtained, he shall give the owner or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

SEC. 5.3 GENERAL PENALTY. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor. Any person convicted of a misdemeanor under this code shall be punished by a fine of not more than one hundred dollars or by imprisonment not to exceed thirty days, or by both such fine and imprisonment.

CHAPTER 6

ELECTIVE OFFICE

Sections:

6.1 Candidacy.
6.2 City Election.
6.3 Resignations.
6.4 Vacancies.

SEC. 6.1 CANDIDACY. Any natural person may become a candidate for elective office provided the following:

1. Eligible Elector. The person must be an eligible elector of the city.

2. Petition Filed. The person must file with the clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than sixty-five (65) days nor less than forty (40) days before the date of the election, and must be signed by eligible electors equal in number to at least two (2) percent of those who voted to fill the same office at the last regular city election, but not less than ten (10) persons. Nomination petitions shall be filed not later than five (5) o'clock on the last day for filing.

3. Ward Candidate. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

4. Petition Requirements. The petition must include the signature of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

5. Affidavits. The petition must include the following affidavits:

    a. Eligible Elector. An affidavit of at least one eligible elector other than the petitioners, stating the affiant's knowledge, information, and belief as to the residence of the petitioners. The candidate for whom the petition is filed may sign the affidavit only if the candidate personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section.

b. Candidate. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office.

SEC. 6.2 CITY ELECTION. Any city election shall be held pursuant to the following requirements:

1. Terms. Terms of city officers begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election.

2. Regular City Election. The following rules govern regular city elections:

   a. The city shall hold a regular city election on the first Tuesday in November of each year in which an officer's term expires. The city shall hold a regular, special, primary, or runoff elections as provided by law.

   b. The candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open, except no candidate is elected who fails to receive a majority of the votes cast for the office in question.

3. Runoff Elections. The following requirements govern the city's use of a runoff election:

   a. Date. Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

   b. A runoff election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election.

   c. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

   d. Majority Rule. Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

SEC. 6.3 RESIGNATIONS. Any person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if, during that time, the compensation of the office has been increased.

SEC. 6.4 VACANCIES. A vacancy in an elective city office during a term of office shall be filled, at the Council's option, by one of the two following procedures as provided at Section 372.1 of the Code of Iowa:

1. By appointment by the remaining members of the council.

2. By special election.

CHAPTER 7
RULES GOVERNING OFFICIALS

Sections:

7.1 Oath of Office.
7.2 Bonds.
7.3 Conflict of Interest.
7.4 Conversion.
7.5 The Giving and Reporting of Gifts.
7.6 Tenure of office.
7.7 Vacancies.
7.8 Elected Officials- Removal Procedures

SEC. 7.1 OATH OF OFFICE. An oath of office shall be required pursuant to the following procedures:

1. Any officer shall qualify for office by taking the prescribed oath.

2. The prescribed oath is: "I (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) for the City of Waverly, Iowa, as now or hereinafter required by law.

3. The following officers are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices.

    a. The Mayor.

    b. The City Clerk.

    c. The City Administrator.

    d. Members of all boards, or commissions may administer the oaths pertaining to the respective business of the board or commission.

4. Recorded. The official oaths of officers shall, after approval be filed in the office of the city clerk.

SEC. 7.2 BONDS. The City Council shall, in compliance with Section 64.2 of the present Code of the State of Iowa, provide for a surety bond running to the City and covering the following officers:

Mayor
Mayor Pro Tem
City Clerk
City Finance Director
City Treasurer

SEC. 7.3 CONFLICT OF INTEREST.

1. A city officer, or other official or employee, shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city, unless expressly permitted by law.

2. A measure voted upon is not invalid by reason of conflict of interest in an officer, unless the vote of the officer was decisive to passage of the measure.

3. Computation. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum.

4. The statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered into record.

SEC. 7.4 CONVERSION. No officer, or other official or employee shall use or permit any other person to use the property owned by the city for any private purpose and for personal gain, to the detriment of the city.

SEC. 7.5 THE GIVING AND REPORTING OF GIFTS. The following requirements shall apply to the reporting, soliciting or accepting gifts by officers, or other officials or employees:

1. Donee Reporting of Gifts. An elected or appointed official or employee of this city, or the spouse, or minor child of an elected or appointed official or employee of this city, or a firm of which the elected or appointed official or the employee of this city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State, the nature, date, and the name of the donor, and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars in cumulative value in any one calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor. By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the county auditor of the county or counties in which the city is located.

2. Donor Reporting of Gifts. A donor of a gift to an elected or appointed official or to

an employee of the city, or to the spouse, or to a minor child of an elected or appointed official or employee of this city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the donor, and the name of the donee of a gift or gifts made by the donor which gift or gifts exceeds fifteen dollars in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.

a. By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor, with the county auditor of the county or counties in which the donee's city is located.

3. Definition of Gift: For purposes of this chapter "gift" is defined as follows.

a. "Gift" means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

(1) Is doing or seeking to do business of any kind with the city of Waverly. For purposes of this chapter, "doing business with the city" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the city.

(2) Is engaged in activities which are regulated or controlled by the City of Waverly.

(3) Has interests which may be substantially and materially affected by the performance or nonperformance of the donee's official duty.

(4) Is a lobbyist with respect to matters within the donee's jurisdiction.

b. However, "gift" does not mean any of the following:

(1) Campaign contributions.

(2) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives

(3) information relevant to the public servant's official functions. Information or participation received under the exclusion of this

paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars.

(4) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

(5) Any inheritance.

(6) Anything available to or distributed to the public generally without regard to official status of the recipient.

(7) Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the State of Iowa.

(8) Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.

(9) Plaques or items of negligible resale value given as recognition for public services.

c. The value of the gift is determined as follows:

(1) An individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf of the gift is made.

(2) The value of a gift to the donee is the value actually received.

(3) For the purposes of the reporting requirements of this chapter, a donor of a gift made by more than one individual to one or more donees, shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.

4. Filing With County. The city clerk shall file a copy of this chapter with the county auditor of the county (or counties) in which this city is located, within fifteen days of passage of this chapter.

SEC. 7.6 TENURE OF OFFICE.

1. Except as otherwise provided in any employment contract, or by law, all persons

appointed to an office may be removed by the officer or body making the appointment with the approval of any officer or body approving the appointment. Every such removal shall be by written order. The order shall give the reasons, be filed with the clerk, and a copy shall be sent by certified mail to the person removed.

2. Public Hearing. Upon request filed with the clerk within thirty (30) days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date

SEC. 7.7 VACANCIES.

1. Defined. Every civil office shall be vacant upon the happening of any of the following events:

   a. Failure to elect at the proper election, or to appoint with the time fixed by law, unless the incumbent holds over.

   b. Failure of the incumbent or holdover officer to qualify within the time prescribed by law.

   c. Residency. Failure of an incumbent to remain a resident of the ward, city or county by or for which the incumbent was elected or appointed, or in which the duties of the office are to be exercised, provided that the incumbent's position requires such residency.

   d. The resignation or death of the incumbent or of the officer-elect before qualifying.

   e. The removal of the incumbent from or forfeiture of, the office, or the decision of a competent tribunal declaring such office vacant.

   f. The conviction of an incumbent for committing a public offense, provided such offense is at least an aggravated misdemeanor, or involves the violation of such incumbent's oath of office.

2. Final Duties. Any incumbent leaving office shall perform the following duties.

   a. Holding Over. Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified. This subsection shall not apply to any officer who has resigned, or has been removed or suspended, as provided by law.

   b. Possession of Office. The incumbent leaving office shall transfer custody of all facilities, funds, equipment, materials and records to the officer qualified to assume the incumbent's position.

3. Eligibility.

   a. Qualification. No person can be elected or appointed to fill a vacancy who is not qualified to serve in the position originally.

   b. Removal. No person can be appointed to fill a vacancy who has been removed from office within one year next preceding.

4. Elective Office. When any city elective office becomes vacant, and no provision of this code provides for a method to fill such vacancy, the following requirements shall apply:

   a. Election. If the unexpired term in which the vacancy occurs has more than seventy (70) days to run after the date of the next pending election, the vacancy shall be filled pursuant to the following requirements:

      (1) Next Pending Election. The vacancy shall be filled in the next election at which there will be on the ballot either the office in which the vacancy exists, or any other city office to be filled or any public question to be decided by the voters of the city, provided there are forty-five (45) or more days prior to the next election.

      (2) Nomination Papers. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to this paragraph shall be filed pursuant to law on or before the fortieth day prior to the election.

   b. Expiration. When the unexpired term of office in which the vacancy occurs will expire within seventy (70) days after the date of the next pending election, or after the date of a preceding election in which such office was on the ballot, the person elected to the office for the succeeding term shall also be deemed elected to fill the remainder of the unexpired term. A person so elected shall qualify to serve for a full term upon expiration of the balance of the unexpired term.

   c. Council Action. A vacancy which occurs past the time required to have an election, shall be filled at the council's option, by one of the two following procedures:

      (1) Appointment. The council may appoint any person, who was qualified to become elected to the office vacated, to fill the vacancy, subject to the following requirements:

         (a) Quorum. The present number of council members permitted to vote on the appointment must compose a quorum.

         (b) Forty Days. The appointment must be made within forty (40) days after the vacancy occurs.

(c) Term. The appointment shall be valid until the next election.

(2) Special Election. By special election held to fill the office for the remaining balance of the unexpired term. Such election shall be called if the council is presented with a petition requesting such election, pursuant to the applicable requirements of the Code of Iowa.

5. Appointive Office. When any city appointive office becomes vacant, and no provision of this code provides a method to fill such vacancy, the officer or officers responsible for the original appointment shall appoint a person to fill the vacancy, upon approval by any officer or officers responsible for approving the original appointment. All procedures for making and approving the appointment to fill a vacancy shall be the same as for making and approving the original appointment.

Sec. 7.8 <u>Elected Officials – Removal Procedures.</u> As to the manner of considering the removal of elected officials, the following hearing procedures shall be followed:

1. Any aggrieved citizen may file a written petition with the city council seeking the removal of an elected city official. The petition must allege one or more of the reasons or grounds for removal as set forth in Iowa Code Section 66.1(A) and Section 3.06(B) of these Rules and must be supported by a sworn affidavit alleging personal, first-hand knowledge of facts which, if proven by a preponderance of the evidence, would warrant removal.

2. The Petition shall be forwarded by the Council to the Mayor for an initial review to determine whether or not the allegations reasonably fall within the reasons or grounds for removal set forth in Iowa Code Section 66.1A and Section 3.06(B) of these Rules and, secondly, if the attached affidavit or affidavits contain sufficient evidence to support the allegations in the Petition.

3. Within 14 calendar days after the Petition has been forwarded to the Mayor, the Mayor shall prepare a written report to the Council stating whether or not the proper allegations have been made and if so, whether or not sufficient credible evidence exists that may warrant removal. The City Attorney shall advise the Mayor with regard to all legal issues.

4. The Mayor shall submit the petition and supporting documentation to the Council. The council, by a two-thirds majority of the full council, shall vote on whether or not to proceed with the removal hearing or dismiss the Petition. If the council decides to proceed to hearing it shall also set a date for the hearing. The hearing date shall be set no sooner than 30 days, but no later than 60 days after the decision.

5. If the Petition is dismissed, the council shall not consider a similar Petition against the same elected official, based on the same or similar facts for a period of 12 months from the date of dismissal. However, pursuant to Iowa Code Section 66.30, such dismissal shall not act as a bar to a proceeding in District Court seeking removal of the same individual.

6. For the Petition to succeed, a two-thirds majority of the entire council must vote for removal. The council shall hear all relevant evidence supporting the Petition and all relevant evidence offered by the elected official. The Mayor or Clerk present may administer the oath to the witnesses. The City Attorney shall represent the City and shall present the evidence in support of the Petition.

7. If The Mayor is the subject of the Removal Petition, the Mayor Pro Tempore shall serve as Mayor for all removal proceedings set forth in these Rules.

8. If a Removal Order is issued, the removed official may appeal to the District Court of Bremer County by filing a petition for *writ of certiorari* within the time prescribed by the Iowa Rules of Civil Procedure.

9. Any elected official who is the subject of a Petition for Removal may be represented by counsel at all stages of the proceeding at their own expense.

(Ordinance 1045 – Published on 6/12/18)

CHAPTER 8

MAYOR

Sections:

8.1 Election and Term of Office.
8.2 Powers and Authority.
8.3 Compensation.

SEC. 8.1 ELECTION AND TERM OF OFFICE.

1. The mayor shall be elected from the city at large for a two year term.

2. The term of office for the mayor shall begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election in which the Mayor was elected.

SEC. 8.2 POWERS AND AUTHORITY. Upon election the mayor shall assume the full authority conferred by the Code of Iowa upon the office of mayor in the mayor-council form of government. However, the mayor is not a member of the council and may not vote as a member of the council. Authority of the mayor includes the following:

1. Chief Executive Officer. The mayor is the chief executive officer of the city and presiding officer of the council.

2. Commander in Chief. The mayor may take command of the police and govern the city by proclamation, upon making a determination that a time of emergency or public danger exists. Within the city limits, the mayor has all the powers conferred upon the sheriff to suppress disorders.

3. Special Meetings. The mayor is authorized to call special meetings of the council when deemed by the mayor to be necessary for the welfare of the city.

4. Ordinances. The mayor is authorized to sign into law, veto or take no action on an ordinance, amendment, or resolution passed by the council.

5. Appointments.

   a. Mayor Pro Tem. At the first meeting of the new council in January following the regular municipal election, or at such other times as may be required, the mayor shall appoint a mayor pro tempore.

b. Other Officers. At any such time as may be required the mayor shall appoint and the council shall approve the appointment of all members of the airport advisory board, leisure services commission, planning and zoning commission, board of adjustment, municipal housing commission, library board of trustees, electric utility board of trustees, board of electrical examiners, board of plumbing examiners, civil service commission, fire and police pension boards, and the personnel board.

SEC. 8.3 COMPENSATION.

1. Salary. The salary for the mayor shall be six thousand ($6,000) dollars per year.

2. Expenses. The mayor may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.

3. Change of Compensation. A change in the compensation of the mayor shall not become effective during the term in which the change is adopted, and the council shall not adopt such an ordinance changing the compensation of the mayor or council members during the months of November and December immediately following a regular city election.

CHAPTER 9

MAYOR PRO TEMPORE

Sections:

9.1 Vice President of Council.
9.2 Appointment.
9.3 Powers and Duties.
9.4 Compensation.

SEC. 9.1 VICE PRESIDENT OF COUNCIL. The mayor pro tempore shall be vice president of the council.

SEC. 9.2 APPOINTMENT.

1. Mayor Appointed. At the first meeting of the new council in January following the regular municipal election, or at such time as may be required, the mayor shall appoint a mayor pro tempore.

2. Qualifications. The Mayor pro tempore shall be a member elected to the council.

SEC. 9.3 POWERS AND DUTIES.

1. Mayoral Authority. When the mayor is absent or unable to act the mayor pro tempore shall have the powers and duties of the mayor except the mayor pro tem may not appoint, employ, or discharge any officer or employee or employees without the approval of the council.

2. Council Powers. The mayor pro tempore shall retain all the rights and powers of a council member, including voting rights.

SEC. 9.4 COMPENSATION.

1. Salary. If the mayor pro tem performs the duties of the Mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined appropriate by the council.

2. Expenses. A mayor pro tem may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.

CHAPTER 10

CITY COUNCIL

Sections:

10.1 Election.
10.2 Powers.
10.3 Duties.
10.4 Compensation of Council Members.
10.5 Committees.
10.6 Rule Making Procedure.
10.7 Law Making Procedure.
10.8 Meetings.

SEC. 10.1 ELECTION.

1. Composition. The council shall consist of seven (7) members, one elected from each of the five city (5) wards and two (2) elected from the city at large.

2. Term of office.

a. The term of office for any council member shall begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election in which that member was elected. Each council member shall serve for a term of four years.

b. Staggered Terms. Measured from 1972, every four years a member of the council shall be elected at large and from the first, third and fifth wards. Measured from 1974, every four years a member shall be elected at large and from the second and fourth wards.

SEC. 10.2 POWERS.

1. Scope. All powers of the city are vested in the council, unless otherwise provided by law. The City Council may, except as expressly limited by law, and if not inconsistent with the laws of the government, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its citizens, and to preserve and protect the peace, safety, health, welfare, comfort, and convenience of its citizens.

(2) Limitation. A City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance.

SEC. 10.3 DUTIES. The duties that the council shall perform include, but are not limited to, the following:

1. Fiscal Authority.

    a. City Budget.

        (1) Annually the council shall prepare a budget for the ensuing fiscal year, including separate appropriations for each activity of city government, in compliance with the Code of Iowa.

        (2) Approve all assessments for the cost of any public work, improvement or repair, including any such cost involving a street, sidewalk or sewer, which may be specially assessed.

        (3) Appropriate all funds through the adoption of the annual budget.

        (4) Adopt policies governing the purchases of goods and services for the city. Such policies shall be implemented through procedures established by the city administrator.

2. Compensation.

    a. By ordinance, the council shall prescribe the compensation of the mayor. By resolution, the council shall prescribe the compensation of all officials of the city.

3. Appointing Officers. By resolution the council shall appoint or confirm the appointment of all city officers.

4. Make or authorize the making of all city contracts. No contract shall obligate the city unless approved or authorized by ordinance or resolution adopted by the council.

SEC. 10.4 COMPENSATION OF COUNCIL MEMBERS.

1. Council Members. By ordinance, the council shall prescribe the compensation of the council members. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation.

2. Salary. The salary of each council member shall be two thousand ($2,000) dollars per year.

3. Expenses. A council member may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.

SEC. 10.5 COMMITTEES.

1. Appointment. The council may appoint any member of the council to serve on a special committee. Unless the appointment states otherwise, three members shall be appointed to each committee.

2. Final Report. Upon completion of its duties, a special committee shall issue a final report to the council.

3. Discharge. Any member of the special committee may be discharged from committee service and the special committee may be discharged from its duties, at any time. Upon final vote by the council on the special committee report, the committee shall be discharged from its duties unless the council by resolution states otherwise.

SEC. 10.6 RULE MAKING PROCEDURE. The council shall determine by resolution the rules of its own proceedings, which are not in the Code of Iowa, the clerk shall keep such rules on file for public inspection.

SEC. 10.7 LAW MAKING PROCEDURE. The following procedure shall govern the exercise of the council's law making power.

1. Presenting ordinances.

    a. Writing. Any proposed ordinance or amendment considered by the council shall be presented in writing.

    b. Readings.

        (1) Three Considerations. A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the council members.

2. Majority Required.

    a. Passage. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of council members.

    b. Vote Recorded. Each council member's vote on an ordinance, amendment, or resolution must be recorded.

3. Effective Date. Measures passed by the council, other than motions, become effective in one of the following ways:

    a. If the mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when

published, unless a subsequent effective date is provided within the measure.

b. If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a message to the council at the time of the veto.

c. Within thirty days (30) after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds (2/3) of the council members. If the mayor vetoes a measure and the council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

d. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the measure.

SEC. 10.8 MEETINGS. The following rules of procedure shall govern meetings of the City Council:

1. Regular Meetings:

a. Regular meetings of the Council shall be held in the Council Chambers at City Hall or another public place on the first Monday, third Monday and fourth Monday of the month commencing at 7:00 p.m.

b. The meeting on the fourth Monday of the month shall be designated a Council Study Session. Except in the case of emergency or exceptional circumstances, the Council will not at such meetings schedule and vote upon regular business.

c. If the regular meeting day shall fall on a legal holiday recognized by the City, or if a quorum is not present, the regular meeting shall be adjourned to the succeeding Monday at 7:00 p.m.

2. Special Meetings.

a. Request. Special meetings shall be held upon call of the mayor or upon the written request by three members of the Council submitted to the City Administrator.

b. Notice. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be in writing and given personally or left at the usual place of residence of each member of the Council. A record of the service shall be made by affidavit signed by the City Administrator and made part of the minutes of such special meeting.

3. Quorum. Four Council members is a quorum.

4. Public Notice. The Council shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the council and posting notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the City Hall.

5. Public's Right to Know.

   a. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

   b. Open Meetings. All meetings shall be held in open session unless closed sessions are held as expressly permitted by state law. The Council may hold a closed session only by affirmative public vote of either two-thirds of the full Council or all the members present at the meeting, and only if in accordance with Chapter 21 of the Iowa Code.

6. Council/Commission/Board Attendance.

   a. It is the intent of this section to encourage maximum attendance in person by elected and appointed officials at public meetings.

   b. Should an elected/appointed official not be physically present at three consecutive regular meetings (not including specially called meetings), the Mayor and/or respective chairperson will provide notice to that elected/appointed official in writing informing the official of his/her poor attendance record and request from that official his/her intention in writing within two weeks to serve and participate on said body for the remainder of the official's term of office. In the event that the Mayor's/Chairperson's attendance record is in violation of this policy, the Mayor Pro Tem/Vice Chairperson will request future attendance clarification as outlined above. The written response received by the Council/Commission/Board to determine the need to request an individual's resignation.

   c. A Council Member, Commissioner or Board Member who is not physically present at a meeting of a public body, may communicate with other members of the public body by phone or other electronic means at said public meeting. The presence of the individual by phone or other electronic means shall not be considered attendance at a public meeting and shall not be counted in determining a quorum.
   Said individual shall not be eligible to vote on any issue to come before the public body at said meeting.

CHAPTER 11

CITY ADMINISTRATOR

Sections:

11.1 Appointment, Tenure, Removal.
11.2 Acting City Clerk.
11.3 Powers and Duties Generally.
11.4 Relationship to Council.
11.5 Relationship to Department Heads.
11.6 Compensation.

SEC. 11.1 APPOINTMENT, TENURE, REMOVAL. The city administrator shall be appointed by majority vote of the entire council at any regular meeting. The appointee shall hold office during the pleasure of the council, and shall be subject to removal from office by a majority vote of the council.

SEC. 11.2 ACTING CITY CLERK.

SEC. 11.3 POWERS AND DUTIES GENERALLY. The powers and duties of the city administrator shall include the following:

1. Administrator of city programs, policies, ordinances, and directives as established by the council.

2. Preparation and administration of the city's annual operating budget.

3. Coordination of delivery of municipal services through the various city departments.

4. Supervision of business affairs of the city, including bookkeeping and accounting procedures.

5. Advising the council of the financial and other conditions of the city, and its future needs.

6. Keeping the council informed on the progress of its programs and status of its policies.

7. Acting as the chief personnel officer for the city, with power to employ, discharge, reclassify, or suspend city employees in accordance with council-approved policies.

8. Representing the city in any employment contract negotiations with city employees.

9. Attending all council meetings, unless excused by the Mayor.

10. Act as the city zoning administrator and supervise enforcement of the zoning ordinance and flood plain management ordinance of the city.

11. Perform such other administrative duties as directed by the council.

SEC. 11.4 RELATIONSHIP TO COUNCIL. The city administrator shall be directly responsible to the City Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the administrator, and all council involvement in administration initiated by the council shall be coordinated through the city administrator.

SEC. 11.5 RELATIONSHIP TO DEPARTMENT HEADS. The City Administrator shall have power to employ, discharge, reclassify, or suspend department heads only with the approval of the City Council. Department Heads are the city clerk, police chief, fire chief, finance director, public works director, leisure services director, and economic development director.

SEC. 11.6 COMPENSATION. The compensation of the city administrator shall be such amount as may from time to time be fixed by resolution of the City Council.

CHAPTER 12

CITY CLERK

Sections:

12.1 Title.
12.2 Powers and Duties.
12.3 Deputy Clerk.
12.4 Compensation.
12.5 Deeds.
12.6 Licenses.

SEC. 12.1 TITLE. The city clerk shall be the chief record officer for the city.

SEC. 12.2 POWERS AND DUTIES. Generally the city clerk shall have all the powers and duties provided by law, including the following:

1. Attend all regular and special council meetings.

2. Be responsible for recording the minutes of the proceedings of each council meeting and cause such minutes to be published.

3. Publish all ordinances and amendments in the manner provided by law.

4. Maintain all city records, writings or documents, including contracts and deeds, in which the city is a party in interest.

5. Maintain a record of all communications and petitions directed to the council or to the city.

6. Furnish a copy of any record, including any paper or document, which is in the clerk's custody, to any official requesting such a copy to discharge a duty that the official is authorized to perform, and to any member of the public requesting such a copy, upon payment of a reasonable charge set by council.

7. Maintain a record of all effective ordinances.

8. Maintain a record of all licenses issued by the clerk, including the name of the person issued the license, the amount of the fee charged and when such payment was received.

9. Care for the nomination petition of a candidate for any city office.

10. Authenticate all actions taken by the City Council and certify as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

11. Certify the accuracy of city records.

SEC. 12.3 DEPUTY CLERK. The city administrator shall appoint a deputy city clerk. In the absence or inability of the clerk to act, the deputy clerk shall have all the power and duties of the city clerk.

SEC. 12.4 COMPENSATION. The clerk shall receive such compensation as established by council resolution, consistent with the law and any employment contract.

SEC. 12.5 DEEDS. The clerk shall sign all deeds to property in which the city has an interest when there is any conveyance or transfer of an interest in such property.

SEC. 12.6 LICENSES. The clerk shall issue licenses and permits when the code authorizes the city to issue.

CHAPTER 13

CITY ATTORNEY

Sections:

13.1 Appointment.
13.2 Powers and Duties.
13.3 Compensation.

SEC. 13.1 APPOINTMENT. The City Council by resolution shall appoint a city attorney to act as attorney for the city in all matters affecting the city's interest.

SEC. 13.2 POWERS AND DUTIES. The powers and duties of the city attorney shall include the following:

1. Draft ordinances as requested by the council or city administrator.

2. Report defects in existing city ordinances.

3. Draft contracts between the city and other parties.

4. Attend City Council meetings.

5. Act as legal advisor to the council, city administrator, city boards and commissions, city directors and officers.

6. Give legal opinions upon questions of law relating to city affairs.

7. Prosecute violations of city ordinances in magistrate court.

8. Supervise the prosecution or defense of all suits in which the city is a party in any court.

9. Appear on behalf of the city before any court, tribunal, commission or board as representative of the city when requested by the council.

SEC. 13.3 COMPENSATION. The city attorney shall receive a monthly retainer that shall be annually established by resolution of the council as compensation for the duties itemized at Sections 13.2 (1) through 13.2 (7).

1. The city attorney shall receive compensation in addition to the monthly retainer for prosecution or defense of city cases in District or Appellate Courts, for prosecution of condemnation proceedings and for other legal services performed or expenditures made on behalf of the city not set forth in the described sections provided a claim for such payment is submitted to the council in the same manner specified for other claims.

CHAPTER 14

CITY PERSONNEL

Sections:

14.1 Purpose.
14.2 General Personnel Policy.
14.3 Classifications of Employees.
14.4 City Council.
14.5 City Administrator.

SEC. 14.1 PURPOSE. It is declared that the interests of the city and its citizens are best served by selecting qualified, productive and reliable personnel to positions in city government.

SEC. 14.2 GENERAL PERSONNEL POLICY. In order to further the purpose declared in Section 1 of this chapter, the following principles are established as the general personnel policy of the city:

1. Personnel actions, including the appointment or employment, promotion or assignment, shall be free of personal or political considerations, and shall be based on merit, including qualifications, and objective evaluations.

2. Personnel actions, including the appointment or employment, promotion or assignment of persons to any position shall be based upon uniform laws, regulations, rules and practices which are applied equally to all candidates competing for the same personnel action. Considerations shall be free of invidious discrimination, including discrimination based on age, sex, marital status, race, color, creed, national origin or religious belief.

3. Appropriate working conditions, including fair compensation, shall be maintained.

4. Service in any position shall be subject to compliance with appropriate personnel rules, satisfactory performance, necessity of the position and availability of funds.

5. Nothing in this section shall be construed to conflict with any collective bargaining contract or other valid contract between the city and persons serving in municipal government.

SEC. 14.3 CLASSIFICATIONS OF EMPLOYEES. Position of employment with the City of Waverly shall be categorized as non-classified and classified:

1. Non-classified positions shall be exempt, part-time, temporary and seasonal.

    a. Exempt positions shall be administrative, managerial or professional positions directly involved in policy formulation or implementation, and shall include such positions established by resolution of the City Council.

    b. Part-time, temporary and seasonal positions shall be those employees working less than 2080 hours per year or 40 hours per week.

    c. Non-classified positions shall be responsible to and within the jurisdiction of the city administrator and shall be subject to such policies established by resolution of the City Council.

2. Classified positions shall be all other full-time positions of employment with the City of Waverly.

    a. Classified employees shall be responsible to the city administrator and subject to appropriate personnel rules or labor agreements established pursuant to this chapter.

SEC. 14.4 CITY COUNCIL.

1. The City Council shall adopt specific personnel policies to further the general policies declared by this chapter.

2. The City Council shall have the final authority to approve all personnel rules, departmental rules, constitutions and bylaws, classification and compensation plans and union labor agreements and to establish the wages, hours, benefits and personnel policies for all personnel.

SEC. 14.5 CITY ADMINISTRATOR.

1. The city administrator, shall be responsible for:

    a. Implementing all personnel policies and programs established by the City Council.

    b. Establishing such administrative policies and programs to develop the skills and maintain the effectiveness of city employees.

    c. Negotiating all labor agreements between the city and any administrative personnel or any union.

    d. Regularly evaluating the performance of city personnel.

CHAPTER 15

FINANCE DIRECTOR

Sections:

15.1 Appointment.
15.2 Powers and General Duties.

SEC. 15.1 APPOINTMENT. The finance director shall be appointed by the city administrator with council approval. The finance director shall, under the direction of the city administrator, be the finance and accounting officer of the city.

SEC. 15.2 POWERS AND GENERAL DUTIES. The power and duties of the finance director shall including the following:

1. Supervise the operation and internal affairs of the accounting and billing department.

2. Ensure that all assets, including cash and securities, and other property and facilities under the control of the department shall be inspected, maintained and operated in compliance with all orders, ordinances, resolutions and other law and contracts of which the city is a party.

3. Conduct the financial affairs of the city and keep accurate records with efficient accounting methods.

4. Assist the administrator in preparing proposals for the annual budget.

5. Supervise the investment of city funds.

6. Provide monthly financial reports to the city administrator and City Council.

7. Maintain detailed records of all funds received or disbursed on behalf of the city, specifying the date, from or to whom, for what purpose the funds were received or disbursed, and from what funds the receipts were credited or disbursements were paid.

8. Maintain books of original entry to provide a chronological record of cash received and disbursed.

9. Maintain a general ledger controlling all cash transactions, budgetary accounts and unappropriated surpluses.

10. Prepare regular financial statements as required for the City Council or city administrator, using modified accrual accounting methods as governed by "Codification of Governmental Accounting and Financial Reporting Standards" and "Governmental Accounting and Financial Reporting" pronouncements.

11. Perform such additional duties as assigned by the City Council or city administrator.

CHAPTER 16

CITY TREASURER

Sections:

16.1 Appointment.
16.2 Powers and Duties.
16.3 Compensations.

SEC. 16.1 APPOINTMENT. The city treasurer shall be appointed by the City Council. The council may designate the finance director to also act as the city treasurer.

SEC. 16.2 POWERS AND DUTIES. The powers and duties of the city treasurer shall include the following:

1. Be responsible for the safe custody of all funds of the city committed to the supervision and care of the treasurer.

2. Keep an accurate record of all funds committed to the supervision and care of the treasurer.

3. Perform all duties required by Chapter 453 of the current Code of Iowa, as that chapter applies to funds committed to the supervision and care of the treasurer.

4. Keep a register of all city bonds outstanding and make and record all payments of principle and interest.

5. Prepare financial reports accounting for funds in the care of the treasurer as may be required by the City Council or city administrator.

6. Perform such additional duties as assigned by the City Council or city administrator.

SEC. 16.3 COMPENSATION. The City Council shall annually by resolution determine the compensation of the city treasurer.

CHAPTER 17

PUBLIC WORKS DIRECTOR

Sections:

17.1 Appointment.
17.2 Powers and General Duties.

SEC. 17.1 APPOINTMENT. The city administrator shall appoint, upon council approval, the public works director.

SEC. 17.2 POWERS AND GENERAL DUTIES. The powers and duties of the public works director shall include the following:

1. Supervise the operation and internal affairs of the public works department. Reference to public works director shall mean the director or designated personnel within the department of public works.

2. Prepare and deliver to the administrator, each year, a complete inventory of all property owned by the city, including supplies, material, equipment, vehicles, and tools.

3. Attend meetings of the airport advisory board. The director shall report to the administrator any recommendations made by the board.

4. Supervise the city street department and the inspection and improvements of city streets.

5. Maintain a report of the present grades for all streets. The director shall report a change in the grade of any street, and any plans or estimates for grading or changing the grade of any street.

6. Supervise the operation of the city solid waste disposal system, including any vehicles, buildings and equipment related to the collection and disposal of refuse and other solid waste.

7. Supervise the operation of the municipal waste water treatment system, including the treatment plant, intercepting sewer system consisting of all sewers and drains, sewer lines and pipes, manholes, and all apparatus and equipment related to the city waste treatment system.

8. Supervise the operation of the municipal waterworks system, including all buildings, machinery, pipes, hydrants and all other equipment related to such system.

9. Supervise the operation of facilities at the municipal airport, including all buildings, towers, runways, machinery and all other equipment owned by the city and related to such airport.

10. Extermination. Supervise the inspection of all property in the city for insects, vermin and rodents.

11. Supervise the administration of the zoning code, subdivision code and all applicable building codes.

12. Supervise the office of city building inspector. The building inspector shall enforce all the building codes, including the fire code, plumbing code and electrical code, and all applicable inspection provisions reserved under law.

13. Supervise the operations of the municipal storm water run off and collection system, including drainageways, ditches, and retention/detention areas, storm service lines, catch basins, intakes, manholes and all apparatus and equipment related to the city storm water collection system.

14. Perform such additional duties as assigned by the City Council or city administrator.

CHAPTER 18

LEISURE SERVICES DIRECTOR

Sections:

18.1 Appointment.
18.2 Powers and General Duties.

SEC. 18.1 APPOINTMENT. The leisure services director shall be appointed by the city administrator, with approval of the council.

SEC. 18.2 POWERS AND GENERAL DUTIES. The powers and duties of the leisure services director include the following:

1. Supervise the operation and internal affairs of the leisure services department.

2. Certify all bills delivered to the department and itemize the amounts due or paid to all persons for labor or materials for the preceding month. Such bills shall be delivered to the finance director pursuant to procedures established by the finance director.

3. Certify all claims by the department for labor or material and itemize the amounts due the department from any person or governmental entity. Such claims shall be delivered to the finance director pursuant to procedures established by the finance director.

4. Establish and maintain any needed accounts or funds in a depository, subject to prior approval of the administrator.

5. Approve an annual audit of each account or fund controlled by the department, under the supervision of the finance director. An audit report shall be delivered to the administrator upon completion of the audit, pursuant to procedures established by the administrator.

6. Ensure that all property and facilities under the control of the department shall be inspected, maintained and operated in compliance with all orders, ordinances, resolutions and other law, and contracts to which the city is a party.

7. Attend all meetings of the leisure services commission, provide the commission with advice and all relevant information about the status of programs and property of the department and regularly report to the administrator any recommendations made by the commission.

8. Supervise the administration of any code provision which involves the department.

9. Supervise the promotion of leisure services facilities which will benefit the public. Supervise city sponsored activities.

10. Supervise the inspection, maintenance and operation of public recreation facilities, including the municipal swimming pool, golf course, athletic fields and courts.

11. Supervise the inspection, maintenance and appearance of public grounds, including city parks.

12. Supervise the operation, maintenance and appearance of the municipal cemetery.

13. Supervise the collection of all fees from the use of department facilities.

14. Perform such additional duties as directed by the City Council or city administrator.

CHAPTER 19

FIRE CHIEF

Sections:

19.1 Title.
19.2 Appointment.
19.3 Removal.
19.4 Powers and Duties.
19.5 Relationship to City Administrator.
19.6 Compensation.

SEC. 19.1 TITLE. The fire chief shall be the principal fire protection officer of the city and shall be the commander of the department with the authority to command any official of the department in protecting life and property from threat of injury or damage from a fire.

SEC. 19.2 APPOINTMENT. At least thirty (30) days before the end of each calendar year the volunteer fire department shall submit to the City Council the name of the person they recommend as fire chief for the next year. The nominee's name shall be selected by the members of the volunteer fire department following procedures established by the Waverly Volunteer Fire Department Constitution and Bylaws and by secret ballot. The council shall at its discretion accept such recommendation or direct a new nomination by the department. In the event two nominations of the department shall not be accepted by the council, the council shall have the option to direct a third nomination or make an independent appointment. The fire chief shall be appointed for a term commencing January 1st and ending December 31st. In the event of a vacancy the council shall appoint a fire chief for the balance of said term.

SEC. 19.3 REMOVAL. The council may remove the fire chief as provided by Iowa Code, Section 372.15 or may suspend or demote the fire chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of the chief upon receiving a recommendation from the mayor following consultation and discussion with the volunteer fire department.

SEC. 19.4 POWERS AND DUTIES.

1. To command any person within the city to assist in suppression of fire or the preservation of order during a fire emergency.

2. Supervise the operation and internal affairs of the fire department, with the following requirements:

    a. Recommend to the membership the removal of any volunteer member from the department, pursuant to procedures adopted in the constitution and bylaws of the department.

    b. Prepare and file with the administrator, each year, a complete inventory of all property owned by the department, including supplies, materials, equipment, gear and equipment.

c. Inspect all completed improvements within the department which were ordered by the administrator.

d. Report the cost of any improvements made within the department, including an itemized showing of the cost of each improvement. The report shall be delivered to the clerk pursuant to procedures established by the clerk.

e. Supervise the administration of all provisions of this code which relate to fire protection, and consistent with standards promulgated by nationally recognized fire prevention agencies regulate the storage, handling, use and transportation of all inflammables, combustibles, and explosives within the corporate limits.

f. Supervise the preservation of life and property from fire or other catastrophe within the fire district, including the city and the surrounding rural area as designated by council resolution and any contract in which the city is a party.

g. Supervise the investigation into the cause, origin and circumstances of every fire occurring in the fire district, by which property has been damaged or persons injured.

h. Cooperate with the State Fire Marshall in any investigation by that office and provide reports to the State Fire Marshall as required by law.

i. Supervise all inspections to ensure the buildings and facilities of the city are constructed and maintained in compliance with applicable law regulating fire safety.

j. Approve all department practice drills or training classes for emergency services, including fire suppression, rescue operations, inspections and investigations.

k. Provide reports to the city administrator, summarizing all activities of the departments in such detail as specified by the administrator.

SEC. 19.5 RELATIONSHIP TO CITY ADMINISTRATOR. The fire chief shall be under the supervision of the city administrator and shall have such authority over any full time driver-engineers as may be delegated by the city administrator.

SEC. 19.6 COMPENSATION. The fire chief shall receive such compensation as established by council resolution, consistent with the law and any employment contracts.

CHAPTER 20

POLICE CHIEF

Sections:

20.1 Appointment.
20.2 Powers and Duties.

SEC. 20.1 APPOINTMENT. The police chief shall be appointed by the city administrator, upon approval by the council. The police chief shall be the principal law enforcement officer of the city.

SEC. 20.2 POWERS AND DUTIES. The police chief shall have all the duties provided by law, including the following:

1. Supervise the operation and internal affairs of the police department.

    a. Recommend the employment or discharge of any person in a position within the department to the administrator, and subject to any employment contract, and law, including rules and policies of the civil service commission and council adopted recommendations of the personnel board.

    b. A law enforcement official charged with a violation of departmental rules may request a hearing before the civil service commission or the personnel board as may be appropriate. Such appeal shall be made by filing notice of appeal pursuant to rules established by the civil service commission or the personnel board.

2. Establish, with the approval of the city administrator, departmental rules necessary for the operation of the department, including rules regarding conduct, uniforms, weapons, communication, training, and emergencies. Such rules shall be first approved by the city administrator.

3. Provide written notice to any law enforcement official charged with a violation of any departmental rule, specifying the rule violated, the nature of the violation and the penalty to be imposed.

4. Establish penalties which may be imposed by the police chief for violation of any department rule. The establishment of such penalties shall be first approved by the administrator.

5. Supervise the maintenance of all equipment and approve the purchase or repair of any such equipment or materials necessary for the efficient operation of the department, and pursuant to administrator approved procedures.

6. Certify all bills delivered to the department, and itemize the amounts due or paid to all persons for labor or materials for the preceding month. Such bills shall be delivered to the finance director pursuant to procedures established by the finance director.

7. Supervise the execution and return of any lawful order, writ and other processes of a court or governmental entity with jurisdiction in the city.

8. Supervise the administration and enforcement of provisions in this code, including the community protection title, and other city ordinances.

9. Supervise the investigation of the cause, origin or circumstances of violations of this code or any ordinance.

10. Assist the city attorney in prosecuting any case in which a person is suspected of violating a provision of this code or any ordinance.

11. Supervise the arrest of any person committing or attempting to commit any public offense in the city of Waverly or any violation of city ordinance.

12. Supervise law enforcement officials in the assistance of city officers performing duties authorized by law.

13. Supervise the secure care and custody of prisoners, including persons detained or transported under police direction; of property belonging to such prisoners, of evidence of a public offense; and of property without an identified owner.

14. Prepare and deliver to the administrator, council, or the state, a complete record showing all arrests made in the city for each year. The record shall show whether such arrests were made under federal, state or city law, the offense charged and the disposition of the charge.

15. Cause the preparation and delivery of all motor vehicle accident investigations to the state department of public safety.

16. Upon request, aid other municipal officers in the execution of their official duties.

17. Direct the temporary placement of official traffic control signs including stop signs, yield signs, speed limit signs, or other regulatory signs or signs restricting parking on any public street in the City of Waverly.

CHAPTER 21
POLICE SERVICES

Sections:

21.1 Purpose.
21.2 Services provided.
21.3 When provided.
21.4 Discrimination.
21.5 Fees.

SEC. 21.1 PURPOSE. The purpose of this Chapter is to authorize Waverly Police Department services to private entities or government agencies to enhance public safety within the community.

SEC. 21.2 SERVICES PROVIDED. The Waverly Police Department shall make available Waverly Police Officers to any person, business, school, government agency or other entity requesting the Officers' services for the following purposes.

1. Crowd Control
2. Security
3. Escorting
4. Other services approved by the Police Chief.

SEC. 21.3 WHEN PROVIDED. The above services shall be provided at the discretion of the Chief of Police or his designee following a written request being delivered to the Department prior to the event requiring the services. The Chief or his designee in determining whether to provide the requested service shall first consider the overall public safety of the City including the availability of Police manpower to meet the other public safety demands of the City.

SEC. 21.4 DISCRIMINATION. It will be a policy of the City not to discriminate in providing these services to any person or organization based on race, sex, gender, religion, national origin or political orientation of the person or entity requesting the service.

SEC. 21.5 FEES. A fee shall be charged for the services of Police Officers assigned to private services authorized under this Chapter. The fee shall be paid to the City of Waverly by individual or entity receiving the services. The charge for said services shall be as established by the Resolution of the City Council.

CHAPTER 22

Economic Development Director

Sections:

22.1 Appointment.
22.2 Powers and General Duties

SEC. 22.1 APPOINTMENT. The Economic Development Director shall be appointed by the City Administrator with City Council approval. The Economic Development Director shall, under the direction of the City Administrator, plan, implement and oversee the City's economic development activities in concert with goals established in the community's overall economic development plan.

SEC. 22.2 POWERS AND DUTIES GENERALLY. The powers and duties of the Economic Development Director shall include the following:

1. Develop and administer economic development programs for the City.

2. Formulate and execute ongoing marketing programs for expansion of existing business and industry and to sell Waverly and the region as a location for new business and industry.

3. Call on existing business and industry to provide assistance in meeting their future plans and needs.

4. Coordinate the continuous development of the Waverly Business Park and other public/private commercial and industrial properties.

5. Develop, and implement economic development assistance packages for company expansions, relocations and startups in line with city funding policies and procedures.

6. Coordinate economic development projects including initial contacts with developers and companies, negotiation of agreements and preparation of related materials and documents.

7. Prepare, review and submit loan and grant applications to public and private agencies and administer said grants and loans as specified. Assist other city departments in the attainment of grant and loans for city projects and activities.

8. Represent economic development activities to city departments and elected officials; coordinate activities with city departments and outside economic development agencies and related organizations.

9. Provide budget and operational reports as requested by the City Administrator.

10. Prepare an annual report outlining economic development activities of said department.

11. Perform such other duties as assigned by the City Administrator or City Council.

CHAPTER 23

MUNICIPAL INFRACTIONS

23.01 Municipal Infraction **23.02 Civil Penalties**
23.03 Civil Citations **23.04 Criminal Penalties**
23.05 Applicable Chapters

23.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

23.02 CIVIL PENALTIES. A municipal infraction is punishable by the following civil penalties:

(1) Unless another civil penalty is provided elsewhere in this Code, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

First offense: $500.00.
Second and subsequent offenses: $750.00.

(2) Each day that a municipal infraction occurs or is permitted to exist constitutes a separate offense.

(3) Seeking a civil penalty as authorized in this section 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 abatement or injunctive relief.

23.03 CIVIL CITATIONS. Civil citations shall be used to charge municipal infractions and shall be administered as follows:

(1) A City employee or a City Official authorized by the City Council to enforce the Code or regulations may issue a civil citation to a person who commits a municipal infraction.

(2) The citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the person at their last known mailing address return receipt requested, or by publication in the manner provided by rule of civil procedure1.310 and subject to the conditions of rule of civil procedure 1.311.

(3) A copy of the citation shall be retained by the issuing officer, and the original shall be filed with the clerk of the district court and one copy shall be delivered to the defendant.

(4) The citation shall serve as notification of an allegation that a municipal infraction has been committed and shall contain the following information:

(i) The name and address of the defendant.
(ii) The name or description of the alleged infraction, attested to by the officer issuing the citation.
(iii) The location and time of the alleged infraction.
(iv)The amount of civil penalty for the violation charged and the court costs, or the alternative relief sought, or both.
(v) The manner, location and time in which the penalty may be paid.
(vi)The time and place of court appearance.
(vii)The penalty for failure to appear in court.
(viii)The legal description of the affected real property, if applicable.

(5) Upon receiving a citation under subsection (4) that affects real property and that charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, the clerk of court shall index the citation pursuant to Section 617.10 of the Iowa Code, if the legal description of the affected property is included in or attached to the citation. After filing the citation with the clerk of the district court, the city shall also file the citation in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in Section 445.1 of the Iowa Code, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to Section 446.7 of the Iowa Code, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

(6) A person against whom judgment is entered, shall pay court costs and fees as in small claims court under Chapter 631 of the Iowa Code. If the action is dismissed, the city is liable for the court costs and court fees, unless the person charged agrees to pay those costs and fees in lieu of further prosecution. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall enter judgment for costs against the city.

(7) When judgment has been entered against a defendant, the court may do any of the following:
(i) Impose a civil penalty by entry of a personal judgment against the Defendant.
(ii) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.
(iii) Grant appropriate alternative relief ordering the defendant to abate or cease the violation.
(iv) Authorize the city to abate or correct the violation.
(v) Order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

23.04 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal

citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

23.05 APPLICABLE CHAPTERS. Any violation of any provision of the following portions of this Code of Ordinances is hereby declared to be a municipal infraction:

(1) Chapter 50 Beer and Liquor Licenses.
(2) Chapter 52, Explosives--Use Permits.
(3) Chapter 53, Peddlers, Solicitors, and Transient Merchants.
(4) Chapter 54, House-movers.
(5) Chapter 55, Junk-dealers.
(6) Chapter 56, Pawnbrokers.
(7) Chapter 57, Tree Ordinance.
(8) Chapter 58, Taxicabs and Limousines.
(9) Chapter 60, Dispensing Beer from Kegs.
(10) Chapter 63, Nuisances.
(11) Chapter 64, Weeds.
(12) Chapter 65, Abandoned Motor Vehicles.
(13) Chapter 66, Junk Motor Vehicles.
(14) Chapter 67, Domestic Animal Control.
(15) Chapter 68, Dry Run Waterway.
(16) Chapter 69, Solid Waste.
(17) Chapter 70, Hazardous Substances.
(18) Chapter 71, Open Burning.
(19) Chapter 90, Building Code.
(20) Chapter 91 Rental Housing Code.
(21) Chapter 100, Zoning.
(22) Chapter 102, Flood Plain Management.
(23) Chapter 104, Public Offenses - Sec. 104.4.04 and Sec. 104.4.14 only.
(24) Chapter 74, Waterworks
(25) Chapter 75, Wastewater Facilities

(Ordinance 1133; Passed December 4, 2023 and Published January 9, 2024)

(Ordinance 980 – Published on 08-04-14)
(Ordinance 1049 – Published on 08-14-18)

CHAPTERS 24 - 31 RESERVED

CHAPTER 32

HUMAN EQUITY AND DIVERSITY COMMISSION

Sections:

32.1 Appointment.
32.2 Term.
32.3 Qualifications.
32.4 Compensation.
32.5 Officers.
32.6 Director.
32.7 Meetings.
32.8 Duties and Powers.
32.9 Gifts and Donations.

SEC. 32.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint seven (7) Human Equity and Diversity commissioners.

SEC. 32.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed for a term of two (2) years. Terms will be staggered.

SEC. 32.3 QUALIFICATIONS.

1. The Commissioners must be persons who currently reside, work, own property or own businesses within the City of Waverly.

2. No person while on the commission, shall hold any other office nor be an employee of the city.

SEC. 32.4 COMPENSATION. Human Equity and Diversity Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, subject to Council approval.

SEC. 32.5 OFFICERS.

1. Selection. The officers of the commission shall be the chairperson, vice chairperson, and secretary who shall be elected at the first organizational meeting of the commission in January of each year and who shall serve one (1) year terms.

2. Duties. The chairperson shall be the presiding officer and decide on all points of order and procedure. In the absence of the chairperson, the vice chairperson shall be the presiding officer and assume all responsibilities of the chairperson. The secretary shall be responsible for preparing the agenda for all commission meetings, giving advance public notice of commission meetings and preparing the minutes of the commission proceedings.

SEC. 32.6 DIRECTOR. The City Clerk shall serve as Director. The Director shall have the following duties:

1. To attend all meetings of the human equity and diversity commission, to take part in discussion of the commission and to keep the commission informed of activities of the administration department, and other matters relevant to the maintenance and operation of the department.

2. To inform the City Administrator of the recommendations of the commission so that recommendations can be acted upon by the City Council and/or City Administrator.

SEC. 32.7 MEETINGS. The commission shall hold regular monthly meetings at a date, time and place as determined by the commission. Special meetings may be called by the chairperson. All meetings shall be open to the public. A quorum shall consist of a majority of the commissioners.

SEC. 32.8 DUTIES AND POWERS. The commission shall have the following powers and duties:

1. To recommend to the City Council a budget providing for the operations of the Human Equity and Diversity Commission.

2. To recommend to the City Council plans, strategies and policies to remove barriers, build partnerships, and advance opportunities for the people of Waverly.

3. To design and initiate actions that promote diversity and secure equity for all people within the City of Waverly and to shape a more diverse, inclusive, and equitable community.

SEC. 32.9 GIFTS AND DONATIONS. All grants, gifts and donations which are received by the city and subsequently to be used for human equity and diversity purposes only shall be placed in a special human equity and diversity fund to be expended in a manner recommended by the commission and authorized by the City Council.
(Ord. 1083 1-12-21)

Repealed in accordance to Ordinance 1138 – Published February 13, 2024

CHAPTER 34

Repealed in accordance to Ordinance 1106 – Published on 07/06/22.

CHAPTER 35

Repealed in accordance to Ordinance 1106 – Published on 07/06/22.

CHAPTER 36
LEISURE SERVICES COMMISSION

Sections:

36.1 Appointment.
36.2 Term.
36.3 Qualifications.
36.4 Compensation.
36.5 Officers.
36.6 Director.
36.7 Meetings.
36.8 Duties and Powers.
36.9 Gifts and Donations.

SEC. 36.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint seven (7) Leisure Services Commissioners.

SEC. 36.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed for a term of three (3) years.

SEC. 36.3 QUALIFICATIONS.

1. The commissioners must be eligible electors, and residents of the city.

2. No person while on the commission, shall hold any other office nor be an employee of the city.

SEC. 36.4 COMPENSATION. Leisure Services Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, subject to Council approval.

SEC. 36.5 OFFICERS.

1. Selection. The officers of the commission shall be the chairperson and vice chairperson who shall be elected at the first organizational meeting of the commission in January of each year and who shall serve one (1) year terms.

2. Duties. The chairperson shall be the presiding officer and decide on all points of order and procedure. In the absence of the chairperson, the vice chairperson shall be the presiding officer and assume all responsibilities of the chairperson.

SEC. 36.6 DIRECTOR. The Leisure Services Director shall have the following duties:

1. To attend all meetings of the Leisure Services Commission, to take part in discussion of the commission and to keep the commission informed of activities of the leisure services department, and other matters relevant to the maintenance and operation of the department.

2. To inform the City Administrator of the recommendations of the commission so that recommendations can be acted upon by the City Council and/or City Administrator.

3. To serve as the secretary to the commission and shall be responsible for preparing the agenda for all commission meetings, giving advance public notice of commission meetings and preparing the minutes of the commission proceedings.

SEC. 36.7 MEETINGS. The commission shall hold regular monthly meetings at a date, time and place as determined by the commission. Special meetings may be called by the chairperson. All meetings shall be open to the public. A quorum shall consist of a majority of the commissioners.

SEC. 36.8 DUTIES AND POWERS. The commission shall have the following powers and duties:

1. To recommend to the City Council a budget providing for the operations of the leisure services department including cemetery, swimming pool, golf course, public grounds maintenance.

2. To recommend to the City Council the establishment of fees for certain activities of the leisure services department.

3. To recommend to the City Council policies for the operation of all functions under the jurisdiction of the leisure services department.

4. To recommend to the City Council a long-term capital improvements program for leisure services facilities, including the acquisition of park sites.

5. To promote leisure services activities which will benefit all the citizens of Waverly.

SEC. 36.9 GIFTS AND DONATIONS. All grants, gifts and donations which are received by the city and subsequently designated to be used for leisure services purposes only shall be placed in a special leisure services fund to be expended in a manner recommended by the commission and authorized by the City Council.

CHAPTER 37

AIRPORT COMMISSION

Sections:

37.1 Appointment.
37.2 Term.
37.3 Vacancy.
37.4 Qualifications.
37.5 Compensation.
37.6 Officers.
37.7 Council Liaison.
37.8 Meetings.
37.9 Duties and Powers Generally.
37.10 Limitations.

SEC. 37.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint each of five (5) members to the Airport Commission.

SEC. 37.2 TERM. Commissioners shall be appointed to five year staggered terms. The first Commissioners shall hold terms of office as follows: One member for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Following appointment of the initial Commission, one member shall be appointed for a term of five (5) years commencing on the first day of May in each year. Within 15 days from the conclusion of a Commissioner's service he or she shall return airport papers or materials to the Commission Secretary. (Ord. 1076 08-11-20)

SEC. 37.3 VACANCY. In the event of a vacancy in the Commission, the Mayor shall appoint with confirmation of the City Council, an individual to serve the remainder of the vacated term.

SEC. 37.4 QUALIFICATIONS.

1. The Commission members must be eligible electors, and residents of the City. No person, while on the Commission, shall hold any City office or be an employee of the City.

1. A minimum of two members appointed to the Commission shall not be directly involved in aviation by regular, personal, or business use of the Waverly Airport.

SEC. 37.5 COMPENSATION. The members of the Commission shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, provided an itemized statement of expenses is filed with the approved by affirmative vote of the Commission. Expenses, including travel expenses incident to attending regular or special Commission meetings in Waverly shall not be reimbursed.

SEC. 37.6 OFFICERS.

1. Selection. The Commission shall at the first regular meeting of each calendar year elect from its membership a Chairperson, Vice Chair, and Secretary by majority vote of the Commission members present.

2. Duties. The member chairing the Commission shall be the presiding officer and shall rule on all points of order and procedure. The member serving as Vice Chair shall have all the rights and duties of the member chairing the board when the chair is absent or otherwise unable to act.

SEC. 37.7 COUNCIL LIAISON.

1. The Public Works Director or his designee shall attend meeting of the Commission and inform and advise the members concerning matters relevant to the maintenance and operation of the airport and inform the City Administrator of recommendations of the Commission in order that these recommendations may be acted upon by the City Council and/or the City Administrator.

2. The Secretary to the Commission shall be responsible for preparing the agenda for all Commission meetings, provided public notice of the meetings, recording the minutes of the meetings, and providing copies of the minutes of each meeting to the City Clerk.

SEC. 37.8 MEETINGS. The Commission shall hold regular monthly meetings and shall hold such other meetings deemed necessary and called by Commission resolution or the member serving as the Chair. Meetings shall be open to the public.

SEC. 37.9 DUTIES AND POWERS GENERALLY. The Commission shall generally manage the operation of the Waverly Municipal Airport. It shall advise the City Council on matters pertaining to the operation and development of the Airport. Powers and duties of the Commission shall include:

1. Recommending a budget providing for the operations of the airport.

2. Establishing fees and charges for use of the airport and its facilities.

3. Establishing and enforcing rules regulating use of the airport facilities.

4. Assuring proper operation and maintenance of the airport facilities.

5. Recommending a Master Development Plan for the airport and any changes or amendments to the development plan.

6. Assisting in the coordination and efforts to acquire State and Federal funding for airport improvements and development.

7. Promoting airport activity to benefit all the citizens of Waverly.

8. Recommending to the City Council employment of an Airport Manager and terms and conditions of the manager's contract with the City.

9. Supervising and annually evaluating the Airport Manager and his services.

10. Administrating funds budgeted for Airport purposes. The Commission may enter into contract to provide for the orderly operation and maintenance of the Airport. Budget funds excluding funds required for direct City contract or debt obligations, shall be subject to disbursement upon the written order of the Commission utilizing existing City purchasing policies. Checks shall issue through the office of the City Accountant.

11. Coordinating with the Public Works Director and Director of Finance to use existing City services and avoid duplication of labor equipment and expense. Costs over and above existing service costs will be billed for payment from the airport budget.

12. Filing the following reports with the City Administrator.
    a. Following the close of each fiscal year, report the status of the airport for the fiscal year just completed, including an evaluation of the maintenance and operation of the facilities, functions and projects of the airport and the performance of the Airport Manager.

    b. By November 15th of each year, report recommendations for the future maintenance and operation of the airport, including a proposed budget for fiscal year beginning on July 1, of the following year.

    c. Supply such additional reports or recommendations concerning the airport as may be required by the City Council or City Administrator.

SEC. 37.10 LIMITATIONS. The Commission shall not be empowered to issue bonds, or pledge the credit or taxing power of the City. The Commission shall not contract for services exceeding its annual budget in any fiscal year.

CHAPTER 38

Repealed in accordance to Ordinance 880 – Published on 07/01/07. See section 90.

CHAPTER 39

Repealed in accordance to Ordinance 880 – Published on 07/01/07. See section 90.

CHAPTER 40

ELECTRIC UTILITY BOARD OF TRUSTEES

Sections:

40.1 Appointment.
40.2 Term.
40.3 Qualifications.
40.4 Compensation.
40.5 Officers.
40.6 Meetings.
40.7 Powers and Duties Generally.
40.8 Reports.
40.9 Accounting.
40.10 Municipal Electric Service.

SEC. 40.1 APPOINTMENT. Pursuant to a special election held August 30, 1977, through which a majority of voters of the City of Waverly indicated their approval, a Board of Trustees responsible for the operation of the Waverly Municipal Electric Utility was established November 1, 1977.

SEC. 40.2 TERM. The board shall include five (5) trustees appointed by the Mayor and approved by the City Council. Trustees shall be appointed for six (6) year staggered terms. The first appointees shall hold office, one for two (2) years two for four (4) years, and two for six (6) years. All vacancies occurring on the board shall be appointed for the balance of that term.

1. Date. Each Current and future trustee term shall begin on January 1 and end on December 31.

SEC. 40.3 QUALIFICATIONS.

1. The trustees must be eligible electors, and residents of the city.

2. Other Office. No person, while on the board, shall hold any other city office nor be an employee of the city.

SEC. 40.4 COMPENSATION. Each trustee of the Electric Utility Board shall receive nine hundred ($900) dollars per year as compensation.

SEC. 40.5 OFFICERS. The board shall appoint a chairperson and vice chairperson from among its members. The board shall appoint a person to serve as the secretary to the board.

SEC. 40.6 MEETINGS. The Board of Trustees shall hold at least one regular meeting each month. The board shall also call special meetings as necessary. The secretary shall provide public notice of all regular and special meetings.

SEC. 40.7 POWERS AND DUTIES GENERALLY. The Board of Trustees shall:

1. Appoint a director of the Electric Utility who shall be responsible for all other personnel and daily operation of the utility.

2. Appoint a treasurer who shall be responsible for maintaining the accounts of the Electric Utility in proper order.

3. Appoint a legal counsel to assist the board and the director in all matters of law.

4. Appoint professional consultants for engineering, labor relations, and such other purposes as deemed appropriate by the board.

5. Research and establish the appropriate method of power acquisition for the Waverly Electric Utility.

6. Establish appropriate rate structures to provide the utility with sufficient revenues for operating and capital improvement costs.

7. Establish the necessary policies to provide the required electrical service to the citizens of Waverly.

8. Possess all other duties and responsibilities as established in Chapter 388 of the Code of Iowa.

9. Establish the necessary rules of procedure for the implementation of their responsibilities.

SEC. 40.8 REPORTS. The trustees shall direct the secretary to forward minutes of all meeting to the City Council. Quarterly financial statements shall be submitted to the City Council. The Board of Trustees and the Director shall meet with the Council when the quarterly financial statement is presented on the City Council agenda.

SEC. 40.9 ACCOUNTING.

1. The City of Waverly shall provide regular accounting and billing services with the Electric Utility reimbursing the City for all costs incurred.

2. The trustees shall cause an audit to be made of all funds under their jurisdiction by a private audit firm each year.

SEC 40.10 MUNICIPAL ELECTRIC SERVICE.

1. An annual cash payment in lieu of taxes shall be paid by the Electric Utility to the City of Waverly. The Board of Trustees shall determine the amount of the cash payment and so notify the city no later than November 1st of each year.

2. Operating costs for traffic signals and street lights shall be invoiced to the city together with an equivalent payment from the Electric Utility to the City of Waverly. Such payments shall be separate from the annual cash payment specified above.

3. A separate electrical rate for municipal services shall be established by the board.

4. The Electric Utility and the city shall determine a policy for the continuation and extension of electric service to the City of Waverly.

CHAPTER 41

MUNICIPAL HOUSING COMMISSION

Sections:

41.1 Appointment.
41.2 Term.
41.3 Qualifications.
41.4 Compensation.
41.5 Officers.
41.6 Personnel.
41.7 Meetings.
41.8 Powers and Duties Generally.
41.9 Limitation of Powers.
41.10 Report.

SEC. 41.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint five (5) Municipal Housing Commissioners.

SEC. 41.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed for a term of two (2) years.

SEC. 41.3 QUALIFICATIONS. Commissioners must be eligible electors, and residents of the city. No person while on the commission shall hold a city office or be an employee of the city.

SEC. 41.4 COMPENSATION. A commissioner shall receive no compensation for serving on the commission, except to be reimbursed for expenses, including travel expenses, incurred in performing any duty declared in this chapter.

SEC. 41.5 OFFICERS.

1. Selection. The commission shall elect a chairperson, vice-chairperson, and secretary from among the commissioners. The election shall be held in January of each even numbered year. The members serving as chair, vice chair, and secretary shall have concurrent terms of two (2) years.

2. The member chairing the commissioner shall be the presiding officer and shall rule on all points of order and procedure. The members serving as vice chair shall have all the rights and duties of the member chairing the board when the chair is absent or otherwise unable to act.

SEC. 41.6 PERSONNEL. The commission may employ a director who may also serve as secretary to the commission, and any other employees necessary to serve the commission, set the compensation for such employees and take any necessary disciplinary action, including suspension and discharge from employment, of the employees.

SEC. 41.7 MEETINGS.

1. The commission shall hold regular meetings every two months, and shall have such other meetings deemed necessary.

2. The director shall publish notice of all regular meetings of the commission as provided by law. Notice to commission members of a special meeting shall be given by the director, who shall also post said notice at city hall.

SEC. 41.8 POWERS AND DUTIES GENERALLY. The powers and duties of the commission shall include the following:

1. Maintaining and operating public housing projects within the city.

2. Conducting studies and analyses of the housing needs of the city.

3. Recommending to the City Council the utilization, construction or expansion of public housing facilities within the city.

SEC. 41.9 LIMITATION OF POWERS.

1. Title to real property acquired or managed by the commission shall be held in the name of the City of Waverly. All deeds, contracts, or leases affecting the real estate shall be entered in the name of the city and approved by the City Council. Contracts for purchase of maintenance items or materials or leases with tenants shall not require approval.

2. The commission shall not have the power of eminent domain but must receive from the City Council the initiation of condemnation proceedings to facilitate the development of public housing.

SEC. 41.10 REPORT. On or before March 30th of each year the commission shall submit to the Council a report of its financial activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year.

CHAPTER 42

BOARD OF HOSPITAL TRUSTEES

Sections:

42.1 Election.
42.2 Qualification.
42.3 Membership.
42.4 Compensation.
42.5 Meetings.
42.6 Powers and Duties Generally.

SEC. 42.1 ELECTION.

1. Composition. The Board shall consist of five (5) members, elected at large in a regular city election or special city election.

2. Term of office.

   a. The term of office shall for any trustee, elected in a regular city election, begin and end at noon on the first day in January which is not a Sunday or legal holiday, following such election in which that trustee was elected.

   b. Each trustee shall serve for a term of four (4) years. The terms shall be staggered with alternating two and three trustees standing for reelection each two (2) years. Two of the trustees to be elected in 1995 will have two-year terms and one will have a term of four years.

SEC. 42.2 QUALIFICATION. A Trustee must be a resident of the hospital service area within the boundaries of the State at the time of election at which the person's name appears on the ballot. No person while on the board shall hold a city office or be an employee of the city. The Trustee must be at least 18 years of age.

SEC. 42.3 MEMBERSHIP.

1. Election. At the first organizational meeting of the trustees following an election, the board shall elect a member to chair the board and a second member to serve as secretary to the board.

2. Treasurer. The Board shall select a treasurer to receive and disburse all funds under the control of the Board.

3. Vacancies. Vacancies on the Board of Trustees may, until the next general or regular city election, be filled by appointment by the remaining members of the Board of

Trustees, unless within fourteen days after the appointment is made, there is filed with the City Clerk a petition which requests a special election to fill the vacancy. Trustees who are appointed to fill a vacancy or who are elected at special elections, shall serve the unexpired terms of office or until their successors are elected and qualified.

SEC. 42.4 COMPENSATION. No trustee shall receive any compensation for services performed. However, a trustee may receive reimbursement for any cash expenses actually made for personal expenses incurred as trustee, but an itemized statement of all expenses and moneys paid out shall be made under oath by each of the trustees and filed with the secretary and allowed only by the affirmative vote of the full board.

SEC. 42.5 MEETINGS. The board shall hold meetings pursuant to its rules, adopted by board resolution.

SEC. 42.6 POWERS AND DUTIES GENERALLY. The board is vested with all the powers necessary for the management, control and government of the Waverly Municipal Hospital as set forth in the Code of Iowa, including, but not limited to the following:

1. Providing for the management, control, and government of the municipal hospital.

2. Providing all needed rules for the economic conduct of the hospital.

3. Annually preparing a condensed statement of the total receipts and expenditures for the hospital and cause the same to be published in a newspaper of general circulation, as provided by law.

4. Accepting property by gift, devise, bequest or otherwise; and if the board deems it advisable, selling or exchange any property so accepted and applying the proceeds to any legitimate hospital purpose.

5. Providing for the management, control and government of the Waverly Ambulance Service subject to budget limitations established by the Waverly City Council and subject to agreement between the Hospital Board and the Waverly City Council with the provision that the city will subsidize this service so as to require no funds from the Waverly Municipal Hospital budget.

SEC. 42.7 CHARITABLE ORGANIZATION. The municipal hospital known as the Waverly Municipal Hospital is organized exclusively for charitable, educational, and scientific purposes including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3)of the Internal Revenue Code of 1986 or corresponding sections of any future United States Internal Revenue Law. No part of the income or assets of the hospital shall inure to the private benefit of any individual.

SEC. 42.8 DISSOLUTION Upon the dissolution of the Waverly Municipal Hospital, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future United States Internal Revenue Law or shall be distributed to a state or local government, for a public purpose as determined by the Waverly City Council. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the hospital is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

SEC. 42.9 EARNINGS. No part of the net earnings of the hospital shall inure to the benefit of, or be distributable to its members, directors, trustees, officers or other private persons, except that the hospital shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in this ordinance. No substantial part of the activities of the hospital shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the hospital shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this ordinance, the hospital shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 510 (c) (3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

CHAPTER 43
LIBRARY BOARD OF TRUSTEES

Sections:

43.1 Establishment of the Public Library.
43.2 Board of Trustees.
43.3 Finance.
43.4 Annual Report.

SEC. 43.1 ESTABLISHMENT OF THE PUBLIC LIBRARY. The formation and establishment of a free public library in and for the city open to the use of all its inhabitants under proper regulations, is confirmed.

SEC. 43.2 BOARD OF TRUSTEES. A Board of Trustees shall be established. The board shall consist of nine (9) trustees.

1. Appointment.

   a. Authority. The Mayor, with approval of the Council, shall appoint eight (8) library board resident trustees, and, with approval of the county supervisors, shall appoint one (1) library board nonresident trustee.

   b. Vacancies. The Mayor, with approval of the City Council, shall appoint a city resident to any vacant position originally held by a resident trustee. The Mayor, with approval of the board of county supervisors, shall appoint a resident of the county who is not a resident of the City of Waverly to any vacant position originally held by a nonresident trustee.

2. Term.

   a. Length. All appointments to the board shall be for a term of six (6) years, except to fill vacancies. A trustee appointed to fill a vacancy shall fill out the unexpired term for which the appointment is made.

   b. Date. Each term shall commence on July 1st.

   c. Staggered Terms. Appointments of one-third (1/3) of the trustees shall be made every two years in order to stagger the terms of the trustees.

d. Vacancies. The board may declare the office of a trustee vacant provided one (1) of the following is applicable:

(1) Resident trustee. If a resident trustee has transferred from the city.

(2) Nonresident trustee. If a nonresident trustee has transferred from the county or has transferred inside the city.

3. Qualifications.

a. General. The resident trustees must be eligible electors, and residents of the city. The nonresident trustee must be an eligible elector for county elections and a resident of the county who is not a resident of the city.

b. Other Office. No person while serving on the board shall serve on the City Council or county board of supervisors, or be an employee of the city.

4. Compensation. The trustees shall serve without compensation.

5. Duties and Powers. The board shall have the following duties and powers.

a. Board Officers. The board shall elect one of their members as president of the board, and one as secretary and shall elect such other officers as the board may deem necessary.

b. Meetings.

(1) Regular and special. The board shall hold regular meetings and other meetings deemed necessary and called by board resolution or the president.

(2) Public. All meetings of the board or of committees of the board shall be open to the public and comply with Chapter 21 of the current Code of Iowa, as amended.

c. Supervision. The board shall have charge, control and supervision of the public library, its appurtenances and fixtures, and rooms containing the same, directing and controlling all the affairs of such library.

d. Personnel.

(1) Employment. To employ a Library Director, such assistants and employees as may be necessary for the proper management of the library, and fix their compensation.

(2) Removal. To remove such Library Director, assistants, or employees by a vote of two-thirds (2/3) of such board for incompetency, inattention to the duties of such employment or other just cause.

e. Outside use. To authorize the use of such library by nonresidents of the city and to fix the charges therefore.

f. Rules. To make and adopt, amend, modify, or repeal bylaws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such library and the business of said board, fixing and enforcing penalties for the violation thereof.

g. Funding.

(1) Purchasing. To select and make purchases of materials, equipment, furniture, fixtures, and building and office supplies for such library. Library materials and equipment are those items defined in Chapter 702 of the current Code of Iowa, as amended.

(2) Control. To have exclusive control of the expenditures of all taxes levied for library purposes as provided by law, and of the expenditures of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library.

(3) Gifts. To accept and control the expenditure of all gifts, devises, and bequests to the library.

SEC. 43.3 FINANCE. All moneys received and set apart for the maintenance of the library shall be deposited in the city treasury to the credit of the library fund, and shall be kept by the City Treasurer separate and apart of all moneys and paid out upon orders of the Board of Trustees signed by its president and secretary.

SEC. 43.4 ANNUAL REPORT. Immediately after the close of each municipal fiscal year, the board shall adopt and present to the Council pursuant to procedures established by the Council, the following annual reports:

1. Operations. Library use shall be reported along with information on the elements of service including the physical facility, staffing, hours open to the public, and items in the collection, together with such further information as the board may deem important.

2. Finance. The amount of revenue and the amount of expenditures shall be reported along with such further information as the board may deem important.

CHAPTER 44

PLANNING AND ZONING COMMISSION

Sections:

44.1 Appointment.
44.2 Term.
44.3 Qualifications.
44.4 Compensation.
44.5 Selection.
44.6 Meetings.
44.7 Duties and Powers.
44.8 Hearings.

SEC. 44.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint seven (7) members to the commission. (Ord. 1104 06-14-22 superseded Ord. 979 06-16-14)

SEC. 44.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed to hold office for a term of five (5) years.

SEC. 44.3 QUALIFICATIONS.

1. General. The commissioners must be eligible electors, and residents of the city.

2. Other Office. No person while on the commission, shall hold any city office or be an employee of the city.

SEC. 44.4 COMPENSATION. Planning commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter subject to approval of the City Council.

SEC. 44.5 SELECTION. The member chairing the board shall be elected at the first organizational meeting of the commission, in May of each year, by all the commissioners present. A second commissioner shall, in like manner, be elected as vice chair. The members serving as chair and vice chair of the commission shall have concurrent terms of one (1) year.

1. The member chairing the board shall be the presiding officer of the commission, and shall rule on all points of order and procedure. The member serving as vice chair shall have all the duties and powers as the member chairing the commission, when the chair is absent or otherwise unable to act.

2. The City Administrator or the City Administrator's designee shall have the following duties:

    a. Attend all meetings of the commission and inform and advise the members concerning matters relevant to the commissions duties.

    b. Serve as secretary to the commission and shall be responsible for drafting the agenda for all commission meetings, providing public notice of meetings and recording the minutes of the meetings.

SEC. 44.6 MEETINGS. The commission shall hold regular meetings each month, and shall have any other meetings deemed necessary and called by resolution or by the member serving as the chair.

SEC. 44.7 DUTIES AND POWERS. The powers and duties of the commission shall include the following:

1. Make careful and comprehensive studies of present conditions and future growth of the city and the relation between the territory neighboring the present city limits and such conditions and growth.

2. Contract with any professional consultant, the Iowa Development Commission and the federal government, for local planning assistance.

3. Establish, amend, supplement and maintain a comprehensive plan for physical development of the city.

4. Supervise the making of surveys, studies, maps, plans or charts of the city, or any part of the city, and any land outside the city limits which is related to the comprehensive plan.

5. Review and recommend to the City Council prior to Council action thereon:

    a. Plats. All plats, including plats of subdivisions or resubdivisions of land within the city limits or within two miles adjacent to such limits. Plats describe lots, throughways or places intended to be dedicated to the public.

    b. Vacation. All plans for vacating any or partially vacating any existing throughway or public ground.

c. Improvements.

(1) All plans for public improvements which affect the city plan, including the character or location of any street, bridge, viaduct, throughway, park, parkway or river front.

(2) All plans for private improvements which are proposed to be erected upon public grounds, including statuary, memorials or works of art.

d. All zoning district boundary changes and all rezoning requests.

e. All site development plans.

SEC. 44.8 HEARINGS. The planning and zoning commission is authorized to hold and shall conduct such public hearings as required by state law or city ordinance at which interested parties and citizens shall have an opportunity to be heard when a zoning regulation, restriction, or boundary is proposed to be changed.

CHAPTER 45

BOARD OF ADJUSTMENT

Sections:

45.1 Appointment.
45.2 Term.
45.3 Qualifications.
45.4 Compensation.
45.5 Board Officers.
45.6 Meetings.
45.7 Powers and Duties Generally.

SEC. 45.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint each of five (5) members to the Board of Adjustment.

SEC. 45.2 TERM. Following appointment of the initial board, according to law, each member shall be appointed for a term of five (5) years.

SEC. 45.3 QUALIFICATIONS. Board members must be eligible electors, and residents of the city. No person, while on the board, shall hold any other city office or be an employee of the city. No member shall be in the business of purchasing or selling real estate.

SEC. 45.4 COMPENSATION. The Board of Adjustment members shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, in performing any duty described in this chapter.

SEC. 45.5 BOARD OFFICERS.

1. Selection. The member chairing the board shall be elected by a majority of board members present in January of each even numbered year. A second member shall, in like manner, be elected as vice chair. The members serving as chair and vice chair shall have a concurrent term of two years.

2. Duties. The member chairing the board shall be the presiding officer and shall rule on all points of order and procedure. The member serving as vice chair shall have all the rights and duties of the member chairing the board when the chair is absent or otherwise unable to act.

3. The Public works director or designee shall be secretary of the board and have the following duties:

   a. Provide notice to the public of each board meeting or hearing as required by law. The public works director shall provide personal notice to each board member of any meeting or hearing. Copies of all such notices shall be filed in the City Clerk's office.

   b. Record and maintain minutes of board proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The public works director shall keep records of board examinations, all of which shall be filed in the office of the board and shall be public record. Copies of the agenda, minutes and other records from each meeting shall be filed in the City Clerk's office.

4. Secretary Pro Tem. The chairperson of the board in the absence of the public works director or his or her designee may appoint a member of the board to act as secretary pro tem. Upon demand by any person appearing before the board, the public works director or his or her designee shall be removed from the case as the board's secretary and a secretary pro tem shall by appointed by the chair.

SEC. 45.6 MEETINGS.

1. Regular meetings of the board shall be held on the second Monday of each month. Special meetings may be held at such other times as the board may determine.

2. Quorum. The board shall perform no duties prescribed in this chapter unless three (3) members are present.

3. The member chairing the board may administer oaths and compel the attendance of witnesses.

4. All hearings of the board shall be open to the public.

5. Minutes. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The public works director shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. Copies of such minutes shall be submitted to the City Clerk.

SEC. 45.7 POWERS AND DUTIES GENERALLY. The board may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of any section in the zoning code, in harmony with the general purpose of the code. The powers and duties of the board shall include the following:

1. Rules. Adopt rules in accordance with the provisions of this chapter.

2. Other Zoning Officers. Receive and consider any report, recommendation or request submitted to the board by the zoning administrator or the planning and zoning commission. The board shall provide a written response to such administrator or commission when the request is made to the board in writing to furnish such response.

3. Rules of Decision. The board shall make all exceptions to the terms of any section in the zoning code, subject to the following requirements:

    a. Character. Ensure that by approving such exception the basic character of the regulated area, including any adjoining or surrounding property, shall not be substantially altered.

    b. Safety. Ensure that the design, construction, maintenance and operation of any project sought to be excepted shall not endanger the health or safety of any person, and shall comply with all laws.

    c. Interference. Ensure that by approving the exception, no diminution or decline in value will result to the following: any property located in the district to be affected, including property adjoining or immediately surrounding the area to be excepted.

    d. Quality of Life. Ensure that the quality of life of any occupants of property in the subdivision affected shall not be significantly diminished. Occupants shall, in all cases, retain an adequate supply of light and air. There shall be no substantial increase in throughway congestion and no increased public danger of fire and safety.

    e. Public Need. The board is specifically authorized to permit the following when reasonably necessary for the public welfare:

        (1) Height. The erection of any structure above the height allowed in the zoned division, provided the structure is to be used for a public service corporation, public utility or for public communication.

(2) Premises. The use of any premises, including any building, in any zoned division, provided the use is for a public service, public utility or for public communication, including the distribution of newspapers.

(3) Boundary Lines. The extension of a district where the boundary line of such district divides a single lot, provided that such lot was undivided when the boundary line was established. Evidence of single ownership shall include any recorded deed or existing contract. In no case shall extension of the district boundary line exceed forty (40) feet in any direction.

f. Term of Variance. The board shall in making an exception to the zoning code specify the term during which the exception shall be allowed.

4. Appeals. The following principals and procedures shall govern all appeals to the board:

a. Policy. It shall be the policy of the board upon appeal to judge the equities of each case and to grant variances from the terms of the zoning code, provided that special conditions exist or a literal enforcement of the zoning code's provisions would result in unnecessary hardship. Granting such variance would not be contrary to the public interest, including the interests of the district which would be affected by the granting of a variance.

b. Special Conditions. Evidence of special conditions shall include showing that property which violates the zoning code was transferred to the appellant who had no actual knowledge of the violation at the time of transfer; or showing that the exceptional topographical character of such property or the location of adjoining natural or artificial obstacles prevents compliance with any applicable provision of the zoning code; or showing of a situation so extraordinary that to require the property to be used similarly to other property in the district would be plainly unreasonable.

c. Notice.

(1) Parties. Appeals to the board may be taken by any person aggrieved, the City Administrator or a representative of the administrator, including the director of the department from which the appeal is taken.

(2) Delivery. Notice of appeal, shall be provided within a reasonable time, as provided by the rules of the board, by filing with the director of the department from which the appeal was taken.

(3) Information. The director of such department shall report notice of the appeal to the administrator, and shall transmit to the board all the papers composing the record upon which the action was taken. Copies of such papers shall also be transmitted to the Clerk and filed with board papers.

(4) Publication. Upon receipt of the notice of appeal, the board shall inform the Clerk to publish notice of the hearing and to inform the administrator and the planning and zoning commission of such hearing.

(5) Hearing. Upon receipt of the notice, the board shall hold a hearing on the appeal. Such hearing shall be public and in compliance with Chapter 21 of the current Code of Iowa as amended.

d. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the director of the department from which the appeal is taken, or the administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed with such director, that by reason of facts stated in the certificate a stay would in the administrative officer's opinion cause imminent peril to life or property. In such case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application of notice to such official and on due cause shown.

e. Appeal Powers. The board shall have the following powers:

(1) Error. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning code.

(2) Special Exceptions. To hear and decide special exceptions to the terms of the zoning code upon which such board is required to pass under this chapter.

(3) Equity. To authorize upon appeal in specific cases such variance from the terms of the zoning code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. The spirit of the ordinance shall be observed and substantial justice done.

f. Decision. In exercising the above-mentioned powers such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from.

g. Majority. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any provision of the zoning code or to effect any variation in such provision.

h. Decision. The decision of the board shall be final when the vote of each member present has been recorded and a written opinion stating the reasons for the decision has been filed with the City Clerk. The Clerk shall deliver certified copies of such opinion to the aggrieved person, the Administrator and the Planning and Zoning Commission.

i. Effective Dates of Variance. Any variance granted by the Board of Adjustments shall take effect 15 days following filing of the Board's decision with the City Clerk. A variance shall remain effective and a building permit may be issued in conformance therewith for a period of one year from October 1, 1994, or one year from the filing of the Board's decision whichever date is later.

j. Appeal to City Council. The City Administrator, the Zoning Administrator and Zoning Commission, or any person aggrieved by any final decision of the Board of Adjustment may appeal such decision of the Board to the City Council for review.

Appeal to the Council must be taken by filing written Notice of Appeal with the City Clerk not later than 14 days following the Board decision appealed from.

Appeal to the Council stays proceedings and a variance granted by the Board and appealed to the Council shall have no effect until final decision. The Council shall review any decision appealed as soon as practical and following review shall remand the case to the Board for final decision by the Board which shall be made within 30 days following remand.

k. Appeal to District Court. Any person or any taxpayer or any officer of the City aggrieved by any final decision of the Board of Adjustment under the provisions of this chapter may present to District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court pursuant to law.

CHAPTER 46
CIVIL SERVICE COMMISSION

Sections:

46.1 Appointment.
46.2 Term.
46.3 Qualifications.
46.4 Compensation.
46.5 Officers.
46.6 Powers and Duties Generally.
46.7 Jurisdiction.
46.8 Appeals.

SEC. 46.1 APPOINTMENT. The Mayor with the approval of the City Council shall appoint three (3) Civil Service Commission.

SEC. 46.2 TERM. Following appointment of the initial commission according to law, one member shall be appointed (1) year after each regular municipal election to hold office for a term of six (6) years commencing on the first Monday of April following such municipal election.

SEC. 46.3 QUALIFICATIONS.

1. The commissioners must be citizens of Iowa, eligible electors, and residents of the city.

2. No person while on the commission, shall hold or be a candidate for any office of public trust.

3. If a city human rights commission has been established, the director of the commission shall be a member, without vote, of the Civil Service Commission.

SEC. 46.4 COMPENSATION. Civil Service Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, upon approval by the Council.

SEC. 46.5 OFFICERS. The member chairing the commission for each biennial period shall be the member whose term first expires. The City Clerk shall be the clerk of the commission.

SEC. 46.6 POWERS AND DUTIES GENERALLY. The Civil Service Commission shall have the full power and duty to administer the provisions of Iowa Code, Chapter 400 as the same applies to employees of the city subject to the jurisdiction of that chapter. The powers and duties include, but are not limited to:

1. Administering entrance examinations for potential employees.

2 . Maintaining lists of job applicants.

3. Conducting promotional examinations.

4. Conducting hearings to review disciplinary actions involving the suspension, demotion, or termination of employees subject to its jurisdiction.

SEC. 46.7 JURISDICTION. The commission shall have jurisdiction to apply the provisions of this chapter to the all permanent full-time police officers, and fire fighters employed by the city. The following members of the police department and fire department are excluded:

1. The Police Chief

2. The Fire Chief

3. Any volunteer member of the fire department

4. Any janitor, clerk, stenographer or secretary

5. Any casual, part-time, or seasonal employee

SEC. 46.8 APPEALS. The suspension, demotion, or discharge of a person holding civil service rights may be appealed to the Civil Service Commission as provided at Chapter 400 of the Code of Iowa.

CHAPTER 47
GOLF COURSE COMMISSION

SECTIONS:

47.1 Appointment.
47.2 Term.
47.3 Qualifications.
47.4 Compensation.
47.5 Officers.
47.6 Meetings.
47.7 Powers and Duties Generally.

SECTION 47.1 APPOINTMENT. The Mayor, with approval of the Council, shall appoint each of five members to the Golf Course Commission. It is intended the Commission should be comprised of members of the public golfing community, country club community and non-golfing community.

SECTION 47.2 TERM. The Commissioners shall be appointed for a term of three (3) years, except when the initial Commission is appointed, one member shall be appointed for a term of one (1) years, two members for a term of two (2) years, two members for a term of three (3) years.

Vacancies shall be filled by the Mayor with approval of Council for the unexpired term of a member whose position becomes vacant.

SECTION 47.3 QUALIFICATIONS.

1. Commissioners must be citizens of Iowa, eligible electors, and residents of the City.

2. No Commissioner shall hold any City Office or be an employee of the City .

SECTION 47.4 COMPENSATION. Commissioners shall serve without compensation, but may be reimbursed for actual expenses including travel expenses, incurred in the performance of any duty described in this chapter, subject to approval ofthe City Council.

SECTION 47.5 OFFICERS.

1. Selection. A member shall be elected in January of each odd numbered year by a majority of Commission members to chair the Commission. A second member shall be elected a vice-chair. The members serving as chair, vice-chair, and secretary shall have concurrent terms of two years.

2. Duties.

    a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.

    b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.

    c. The Leisure Services Director shall provide administrative support to the Commission for public notices, agendas, minutes, and record keeping.

SECTION 47.6 MEETINGS. The Commission shall hold regular monthly meetings and such other meetings as deemed necessary and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

SECTION 47.7 POWERS AND DUTIES GENERALLY. The powers and duties of the Commission shall include the following:

1. Recommend annually to the City Council a budget for the operation of the golf course, pro shop, or other operations relating to golf in Waverly.

2. Recommend to the City Council a long-term capital improvement program for the golf course and related facilities including acquisition of the future golf course facilities.

3. Recommend annually to the City Council the establishment of fees and charges for golf activities.

4. Recommend to the City Council policies for the operation of all functions of the golf course and pro shop and oversee the implementation of these policies.

5. Promote golf course activities for the benefit of all citizens of Waverly.

6. Recommend to the City Council terms and conditions of any contracts relating to golfing operations included but not limited to pro shop operations or other contracts with private individuals or enterprises conducting business at the golf course.

7. Provide an annual report to the City Council evaluating the golf operations of the previous season and making recommendations for changes or improvements following consultation with operational personnel and the public.
8. Provide such financial and administrative information and reports on golf operations as requested by the City Administrator.

9. Coordinate activities with the Waverly Leisure Services Director who shall provide communication to and from City Administration and Council.

10. Coordinate activities with City Administration to facilitate efficient use of equipment and personnel with the Leisure Services Department and to ensure utilization of other department capabilities including Finance and Public Works.

CHAPTER 48

Repealed in accordance to Ordinance 1106 – Published on 07/26/22.

CHAPTER 49

HISTORIC PRESERVATION COMMISSION

Sections:

49.1 Appointment.
49.2 Term.
49.3 Qualifications.
49.4 Compensation
49.5 Officers
49.6 Meetings
49.7 Purpose
49.8 Definitions
49.9 Powers and Duties Generally

Section 49.1 Appointment. The Mayor, with the approval of the City Council shall appoint seven (7) members to the Waverly Historic Preservation Commission. Members shall demonstrate a positive interest in historic preservation and possess interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

Section 49.2 Term. Following appointment of the initial Commission four (4) members shall be appointed for two years and three (3) members for three years. Each member thereafter shall be appointed to serve a term of three years. Terms expire in June.

Section 49.3 Qualifications.

1. General. The Commissioners must be eligible electors and residents of the City.

2. Other Office. No person while on the Commission shall hold any other City Office or be an employee of the City.

Section 49.4 Compensation. The Historic Preservation Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council.

Section 49.5 Commission Officers.

1. Selection. Members will elect, by majority, a chairperson, assistant- chairperson, and secretary, in June of each year.

2. Duties.
   a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.

   b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.

   c. The member serving as secretary to the Commission shall:
      1. Provide a notice to the public of each Commission meeting or hearing as required by law.

      2. Record and maintain minutes of the Commission's proceedings including the vote of each member upon each question or if absent or failing to vote, indicating such fact. Copies of the agenda, minutes or other records of each meeting shall be filed in the City Clerk's Office.

Section 49.6 Meetings. The Commission shall hold meetings on a monthly basis or as deemed necessary to meet the State Historic Preservation Office requirement of 3 per year and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

Section 49.7 Purpose.
The purpose of this ordinance is to:

1. Promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;

2. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;

3. Stabilize and improve property values;

4. Foster pride in the legacy of beauty and achievements of the past;

5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;

6. Strengthen the economy of the City;

7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

Section 49.8 Definitions.

1. Commission. The Waverly Historic Preservation Commission.

2. Historic District. An area which contains a significant portion of archaeological sites, buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and

   a. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

   b. Is associated with events that have made significant contributions to the broad patterns of our local, state, or national history; or

   c. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area; or

   d. Is associated with the lives of persons significant in our past; or

   e. Has yielded, or may be likely to yield, information important in prehistory or history.

3. Historic Landmark. An archaeological site, structure or building which,

   a. Is associated with events that have made a significant contribution to the broad patterns of our history; or

   b. Is associated with the lives of persons significant in our past; or

   c. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high

artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d. Has yielded, or may be likely to yield information important in prehistory or history.

e. Possesses integrity of location, design, setting, materials, skill, feeling and association.

Section 49.9 Powers and Duties Generally. The powers and duties of the Commission shall include the following:

1. Conduct studies for the identification and designation of historic districts and historic sites meeting the definitions established by this ordinance.

2. Maintain records of all studies and inventories of historic districts or sites for public use.

3. Proceed at its own initiative or upon a petition from person, group, or association.

4. Make recommendations to the City Council for the listing of a historic district or site in the National Register of Historic Places including written analysis of advantages of such designation and any impact on future development and make recommendation to conduct a joint public hearing thereon.

5. Recommend to the City Council the adoption or ordinances designating historic sites and historic districts if they qualify as defined herein; and

6. The Commission may appoint three (3) members to a local design review committee, which committee shall have the power to review applications for

   the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT design Review Board.

7. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

8. Provide information for the purpose of historic preservation to the governing body.

9. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

10. In addition to those duties and powers specified above, the Commission may, with specific City Council approval:

    a. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

    b. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.

    c. Preserve, restore, maintain and operate historic properties.

    d. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

    e. Contract, with the approval of the Council, with the state or the federal government or other organizations.

    f. To recommend to the Council a budget providing for the operations of the Commission.

All such contracts, leases, gifts, property or funds referred to at paragraphs a. through f. above shall be maintained in the name of the City of Waverly and segregated for the purposes of this ordinance and subject to disposition as directed by the Council. (Ordinance 987 – Published on 11-03-14)

CHAPTER 50

RETAIL ALCOHOL LICENSES, WINE, AND BEER PERMITS

SECTIONS:

50.01 License or Permit Required.
50.02 General Prohibition.
50.03 City Council Action on Applications for Licenses or Permits.
50.04 Investigation.
50.05 Prohibited Sales and Acts.
50.06 Criminal and Civil Penalties.

SEC. 50.1 LICENSE OR PERMIT REQUIRED.

No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a retail liquor license, wine or beer certificate or permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.122 & 123.171).

SEC. 50.2 GENERAL PROHIBITION.

It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked, or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

SEC. 50.3 CITY COUNCIL ACTION ON APPLICATIONS FOR LICENSES OR PERMITS:

a. A completed application for a retail alcohol license as provided in Iowa Code Section 123.31, except a class “D” retail alcohol license, shall be filed with the city council if the premises for which the license is sought are located within the corporate limits of the city.

b. A completed application for a class “D" retail alcohol license and for any other certificates, licenses, or permits shall be submitted to the division electronically, or in a manner prescribed by the administrator.

c. The city council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the division. There is no limit upon the number of retail alcohol licenses which may be approved for issuance by local authorities.

d. Upon receipt of an application having been disapproved by the city council, the administrator shall notify the applicant that the applicant may appeal the disapproval of the application to the administrator. The

applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant.

e. Upon receipt of an application having been approved by the city council, the division shall make an investigation as the administrator deems necessary to determine that the applicant complies with all requirements for holding a license.

f. The administrator may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license. If the application is approved by the administrator, the license shall be issued. If the application is disapproved by the administrator, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the administrator.

g. The applicant or the city may seek judicial review of the action of the administrator in accordance with the terms of the Iowa Administrative Procedure Act, Chapter 17A. Notwithstanding the terms of the Iowa Administrative Procedure Act, Chapter 17A, petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated.

h. A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by the city for a violation of Chapter 123 or suspended by a local authority for violation of a local ordinance, may appeal the suspension, revocation, or civil penalty to the administrator. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to hear the appeal which shall be conducted in accordance with Chapter 17A and to issue a proposed decision. The administrator may review the proposed decision upon the motion of a party to the appeal or upon the administrator's own motion in accordance with Chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or the city aggrieved by a decision of the administrator may seek judicial review of the decision pursuant to Chapter 17A.

(Code of Iowa, Sec. 123.32

i. Except as otherwise provided by Chapter 123, all licenses, permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance.

j. Notwithstanding section 123.31 and any other provision of this chapter to the contrary, a class "E" retail alcohol license shall automatically renew without the endorsement of a local authority or approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding license was issued:

i. The licensee has given written consent to the department to have the license automatically renewed as provided in this section.

ii. The license has not been suspended or revoked.

iii. A civil penalty has not been imposed against the licensee.

iv. An administrative proceeding is not pending against the licensee to suspend or revoke the license or to impose a civil penalty under Chapter 123.

v. The licensee has not submitted payment for alcoholic liquor to the department that was subsequently dishonored.

vi. The licensee and all persons associated with the licensee as described in Iowa Code Section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter.

vii. The licensed premises constitutes a safe and proper place or building and conforms with all applicable federal, state, and local laws, orders, ordinances, rules, resolutions, and health and fire regulations.

viii. A local authority has not notified the department, in a manner established by the department and made available to local authorities, that automatic renewal should not occur and that further review of the licensee by the department and the applicable local authority is warranted.

(Code of Iowa, Sec. 123.35)

(Ordinance 1142, third reading passed April 15, 2024 and Published April 23, 2024)

SEC. 50.04 INVESTIGATION.

As a condition for issuance of a retail alcohol license, wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of the city; members of the department of public safety; representatives of the division and of the department of inspections and appeals; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that the city may adopt.
(Code of Iowa, Sec. 123.30)

SEC. 50.05

PROHIBITED SALES AND ACTS.

A person or club holding a liquor license or retail wine or beer permit and the person’s or club’s agents or employees shall violate any of the miscellaneous prohibitions in Section 123.49 of the Iowa Code.

SEC. 50.06 CRIMINAL AND CIVIL PENALTIES.

a. Any person who violates any of the provisions of Iowa Code Section 123.49, except subsection 2, paragraph (h) commits a simple misdemeanor and unless another penalty is specified, or the violation is scheduled under state law, punishable by a penalty with a fine prescribed in (Iowa Code Section 123.50[1] & 903.1[1][a])

b. For violations of Section 123.49(h), the scheduled fines for a licensee or permittee are included in Iowa Code Section 123.50[1] & 805.8C[2].

c. If any retail alcohol licensee or employee of a licensee is convicted or found in violation of Chapter 123.49(h), in addition to criminal penalties fixed for violations by this section, a civil penalty shall be assessed as set forth in Iowa Code Section 120.50[3] [a-e].

(Chapter 50, Repealed and Replaced, September 19, 2023 by Ordinance 1130)

CHAPTER 51

ENTERING FRANCHISES

Sections:

51.1 Franchise Holders Subject to Regulations.
51.2 Chapter Made a Part of Franchise Contract.
51.3 Franchise Termination for Noncompliance.

SEC. 51.1 FRANCHISE HOLDERS SUBJECT TO REGULATIONS. Every individual or private corporation to whom a franchise may hereafter be granted by the city must be subject to all reasonable regulations that the city council may by ordinance or resolution then or thereafter adopt in respect to the reasonable control and regulation of the plant and business for which the franchise may be granted, and the use of the streets or alleys therefor. No condition shall be contained in the franchise, or if contained shall be binding, upon the city, which does or attempts to abridge, limit or interfere with the superior rights of the city in respect to such control and regulation, or attempts to do so.

SEC. 51.2 CHAPTER MADE A PART OF FRANCHISE CONTRACT. All franchises hereafter granted by the city shall be subject to the regulations of this chapter, which shall be a contract part of each franchise.

SEC. 51.3 FRANCHISE TERMINATION FOR NONCOMPLIANCE. The failure or refusal of any such franchise holder to obey and comply with regulations of the city council may operate to terminate such franchise at the option of the city council.

CHAPTER 52

EXPLOSIVES--USE PERMITS.

Sections:

52.1 Permit--Required.
52.2 Permit--Application--Grant.

SEC. 52.1 PERMIT--REQUIRED. It is unlawful for any person, firm or corporation to use and explode any dynamite, TNT or any other explosive compound used for blasting purposes within the city limits without first obtaining a permit to use such blasting material from the city council.

SEC. 52.2 PERMIT--APPLICATION--GRANT. Any person, firm or corporation wishing to obtain such a permit shall file with the city clerk an application in writing, wherein it is stated the name and address of the applicant, the type of explosive materials to be used, the approximate number of explosions to be set off and the intensity thereof, and the location of all proposed explosions. If upon filing of the application the city council finds that no property damage or personal injury will result from the proposed blasting, a permit for the use of explosive compounds will be granted upon the applicant's filing with the city clerk proof that the applicant has in force sufficient liability insurance with a reliable insurance company to cover any possible personal injury or property damage arising from the blasting operation, the limits of the policy to be set by the city council.

PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, AND MOBILE FOOD VENDORS

Sections:

53.1 Definitions.
53.2 Permit Required.
53.3 Permit Application.
53.4 Permit Issuance.
53.5 Application Fees
53.6 Permit Bond.
53.7 Duplicate and Individual Permits, When Required.
53.8 License Display.
53.9 Exemptions.
53.10 Denial or Revocation of Permit Procedure.
53.11 Sales Regulations.
53.12 Penalty.
53.13 Mobile Food Vendors.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.1 DEFINITIONS. For use within this chapter, the following terms are defined:

1. "Peddler" means any person carrying or transporting goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street an order for goods or merchandise to be delivered at a future date.

3. "Transient merchant" means any person, firm, or corporation who engages in a temporary or itinerant merchandising business, intending to remain in business in the City of Waverly for less than one year, and in the course of such business hires, leases, or occupies any building or structure whatsoever or who operates out of a vehicle which 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 shall not exempt any person, firm, or corporation from being considered a transient merchant.

4. “Mobile food vendor” means any person who prepares, stores, or sells any food item in or from a vehicle or unit which is either parked in a permanent location or which moves from place to place and stops temporarily for such sales.

SEC. 53.2 PERMIT REQUIRED. It shall be unlawful for any person to engage in peddling, soliciting, mobile food vending or in the business of a transient merchant in this City without first obtaining a permit as provided in this chapter.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.3 PERMIT APPLICATION. An application for a permit under this chapter shall be made with the Waverly City Administration Office and shall give the following information:
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

1. The name, permanent address, local address, phone number, and email address of the applicant; whether such person will act as proprietor, agent, consignee or employee and the credentials establishing such relationship.

2. The name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

3. Applicant's federal identification number and the federal identification number of any business for which applicant claims to be peddling as an agent, employee, or otherwise.

4. The place or places in the City where it is proposed to carry on applicant's business and the length of time during which it is proposed said business shall be conducted.

5. A statement of the nature and character of the tangible personal property or service to be sold or offered for sale by the applicant in the City; whether the goods are new, damaged or rejects; whether the same are proposed to be sold from stock in possession or by sample, or at auction, or by direct sale, or by taking orders for future deliveries; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.

6. Whether or not the applicant or the person having management or supervision of the applicant's business has been convicted of a felony within the five (5) years immediately preceding the date of the application or of the violation of any laws or ordinance relating to the same or similar business proposed to be conducted by the applicant, the nature of such offense and the punishment therefore.

7. Whether the applicant has ever applied for a permit under this chapter which has been denied.

8. Whether the applicant has ever held a permit under the chapter which has been revoked.

9. A copy of the driver's license and provided the social security number.

10. If the applicant's business is to be conducted through employees, the application shall include the information specified at paragraphs 6 through 9, inclusive, above for each employee who will be conducting applicant's business in this City as well as the name and address of each such employee.

(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.4 PERMIT ISSUANCE. The City Administration Office shall forward the application to the Police Chief and if the Police Chief finds the application is made out in conformance with this chapter and the facts stated therein are correct, the Chief shall sign the same noting approval and forward the application to the City Administrator for approval. The City Administration Office shall issue, within ten (10) days and upon the posting of a bond as required by this chapter, an approved permit and charge a fee therefore as determined by this chapter. The permit shall authorize the applicant to engage in the activities of a "solicitor" for the period stated in the permit with a maximum of one (1) year, provided that nothing herein shall authorize any act or practice which is contrary to any law or ordinance. The permit issued hereunder shall not be transferable. There shall be no refund of the permit fee.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.5 APPLICATION FEES. A nonrefundable fee as established by resolution of the City Council shall be paid to the City of Waverly at the time of filing such application to cover the cost of investigating the facts set forth therein.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.6 PERMIT BOND. Before a permit under this chapter shall be issued, each applicant shall post a Peddlers bond with a five thousand dollars ($5,000) limit with the City of Waverly. Such bond shall be conditioned that the applicant shall comply with the provisions of all the ordinances of the City and the statutes of the State of Iowa regulating and concerning the sale of goods, subscriptions, wares, merchandise or personal property of any nature, including food stuffs, or for services, including advertising, and will pay all judgment rendered against the applicant for any violation of ordinances or statutes or any of them together, with all judgments and costs that may be recovered against said applicant by any person or persons for damage growing out of any misrepresentations or deception was made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale, or the solicitation of the sale, or through any advertisements of any character whatsoever, printed or circulated with reference to the subject matter of such sale or any part thereof. Action on the bond may be brought in the name of the City to the use of the aggrieved person. Such bond shall be further conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this ordinance and shall not be retired until after a lapse of one year from the expiration of each permit.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.7 DUPLICATE AND INDIVIDUAL PERMITS, WHEN REQUIRED. A permit under this chapter may be issued to a person carrying on the business of solicitor, peddler or transient merchant in this City through employees. Such employees shall carry a duplicate permit issued to the employee, which permit shall be obtained at the office of the City Administration upon compliance with the requirements of the chapter. If the business of solicitor, peddler or transient merchant in this City is carried on through agents who are not employees, or by consignees, or by an unincorporated firm or association, each person so conducting the business in this City shall be required to have a separate permit, but not post a separate bond if one is posted by the corporation.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.8 PERMIT DISPLAY. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for by this chapter and shall, upon the request of prospective customers, exhibit the permit as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly the permit in his or her place of business.
(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.9 EXEMPTIONS. Persons engaged in the following described activities are exempt from the duty of applying for a permit under this chapter:

1. Persons selling at wholesale to merchants for the purpose of resale.

2. Persons selling or distributing newspapers.

3. Persons selling tangible personal property or services to business enterprises.

4. Persons who sell at their permanent residence in the City, works of art or craft made or created by such person or a member of each such person's immediate family.

5. Persons licensed by the State of Iowa to sell real estate or insurance or licensed as transient vendors of drugs.

6. Persons selling or distributing livestock feeds as defined by the laws of the State of Iowa.

7. Persons selling or delivering tangible personal property or services through a permanent business licensed through the City.

8. Persons selling or distributing fresh fruit or vegetables cultivated by such person.

9. Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved and such sales are made on the premises where the event is to be conducted.

10. Persons selling tangible personal property at a garage, basement, or yard sale held at one of the person's premises.

11. Persons selling food and beverages at a food establishment regulated pursuant to the Code of Iowa.

12. Persons selling consumer fireworks and novelties. Please see Section 104.4 of this Code book.

13. Auctions conducted by auctioneers licensed by the state.

14. Resident school, Girl Scout, Boy Scout and other such organizations shall be exempt from the application of this chapter.

    14a. A religious, charitable, patriotic, social service, civic, or political non-profit organization, other than those listed above shall receive a license for activities regulated under this chapter where its authorized representative volunteers are to undertake such activities without remuneration and where the entire proceeds of the activities will go to the organization and not for private profit. The organization shall file the information required for a license under this chapter in the office of the City Administration. The City Administration office shall issue, free of charge, and without bond, a permit for the requested activity which shall be valid for a period of one year and may be renewed on or before the expiration date.

(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

SEC. 53.10 DENIAL OR REVOCATION OF PERMIT PROCEDURE.

(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

1. Denial of permit. The City may deny within ten days a license to any applicant who has:

    a. Held a permit under this chapter that has been revoked within two years of the date of the present application.

    b. Failed to make a complete, truthful application.

    c. During the past two years a history of:

        (1) Fraudulent applications of similar licenses;

        (2) Misrepresentation of the quality of merchandise or services offered for sale;

        (3) Crimes involving personal property.

2. Revocation of permit. The Police Chief may revoke any permit issued under the provisions of this chapter by sending a Notice of Revocation by certified mail to the license holder at his or her last known address, return receipt requested, or by personal service on the permit holder or its officers for any of the following causes:

    a. Information showing the permit was erroneously issued initially;

    b. For any violation of the provisions of this chapter;

c. For any violation of any City or State law regulating the sales activities of the permit holder;

d. For making any fraudulent statement in connection with the application for a permit under this chapter.

3. The permit shall stand denied or revoked unless within five (5) days after denial or receipt of the Notice of Revocation from the Police Chief the permit applicant or holder files a written request for a public hearing on the Police Chief's action. The public hearing shall be conducted before the City ~~A~~dministrator which shall forward to the full City Council a recommendation on whether a permit should be denied, reinstated or revoked, as the case may be. The City Council may order the license issued or reinstated either conditionally or unconditionally, or revoke the permit.

a. Ten (10) days' notice of the time and place of the public hearing shall be given the permit applicant or holder, who shall have an opportunity to appear before the committee and who shall have an opportunity to appear before the committee and present any evidence or arguments he or she may have why the action taken by the Police Chief should not be approved by the City Council.

SEC. 53.11 SALES REGULATIONS.

1. No person shall engage in activities regulated under this chapter on public property owned by the City without first procuring special authorization from the City.

2. No person shall shout or use any sound device upon any of the public places of the City or upon any private premises in said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard from the public places, for the purpose of attracting attention to any goods, wares, merchandise or services which such person proposes to sell.

3. No person shall engage in business under this chapter in defiance of any notice exhibited at a residence or business indicating that peddlers or solicitors are not welcome or are not invited.

4. No person shall engage in the activities regulated under this chapter from door to door prior to 9:00 a.m. or after 8:00 p.m. on any weekday or Saturday, or at anytime on a Sunday or on a State or National holiday.

5. A written receipt for all orders taken within the City shall be given to the customer, which receipt shall be signed by the person making the sale and shall set forth a brief description of the goods, wares, merchandise or service or services ordered, the total purchase price thereof, and the amount of the down payment received from the purchaser.

SEC. 53.12 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days and may also be punishable as municipal infractions subject to a civil penalty as set forth in this Code of Ordinances. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers and code enforcement officers shall have the authority to issue citations for violations of this chapter and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

SEC. 53.13 MOBILE FOOD VENDOR. (amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

1. It is unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility within the corporate limits of the City without first obtaining a mobile food vendor permit from the City, in addition to any other State, Federal, or County permits, certificates and licenses.

a. A mobile food vendor permit is valid for the length of time designated on the application for a maximum of one (1) year.

b. Each mobile food vendor shall be permitted separately. No permit transfer is allowed.

c. Although certain activities may be exempt from the permitting requirements of this chapter, any food service to the public in the City is expected to comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

d. The following shall be exempt from this requirement:
    1. Catering businesses.
    2. Grilling and food preparation activities of brick-and-mortar establishments on the establishments' premises for immediate consumption by patrons or employees.
    3. Concession stands associated with sports or recreational venues that have been approved as part of a site plan.
    4. Vendors that are permitted in conjunction with a community special event.

2. Permit Fee(s). At the time of submittal of a permit application, the applicant shall pay to the City of Waverly the applicable permit fee. The City Council shall establish the amount of the nonrefundable permit application fee by resolution.

3. Mobile Food Vendor Permit Application:

a. Submission Time Frame. Applications must be submitted not less than 1 business day prior to the proposed start date of the mobile food vendor activities. The City reserves the right to reject any applications that have not been timely submitted to the City. The City Administrator shall have the discretionary right to accept an application made less than 1 business day prior to desired start date.

b. Additional Approvals. Receiving approval of a mobile food vendor permit from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

c. Application Contents. Application shall be made on a form provided by the City and shall include:
    1. Full name of the applicant.
    2. Applicant's contact information including mailing address, phone numbers and email address.
    3. Business name, address, and FEIN No.
    4. Copy of driver's license.
    5. State health inspection certificate with the classification level of the state license identified.
    6. Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.
    7. Photographs of the mobile food unit.
    8. Make, model, year, and license plate number of vehicle to be used.
    9. Overall size of the vehicle; length and width.
    10. Copy of the Fire Department's Self Inspection form.
        i. All mobile food vendors that have cooking facilities with grease laden vapors (class III and class IV state licenses) shall be inspected by the Black Hawk County Board of Health prior to initiation of business operations within the City. (Class I and class II state license classifications are not required to meet this inspection requirement.)

ii. All class III and IV mobile food vendors shall have an acceptable fire suppression system as listed on the Self-Inspection form.

11. Statement whether or not the applicant has been convicted of a felony within the five (5) years preceding the date of the application or violated any laws or ordinance relating to the same or similar business.
12. Application Fee.
13. Property Owner Consent.
14. Proof of Insurance.

d. Modification of Permit After Issuance. Should the mobile food unit change the food or beverage being offered during the term of an issued permit that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

4. Mobile Food Vendors on Public Property. No mobile food vendors may be operated on public property except as part of an event approved under a Special Event Permit by the City Administration office or as authorized by the respective Department Head for public property.

5. Unattended Mobile Food Vendor. No mobile food unit shall be left unattended or stored on any site overnight unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done in compliance with all other City Code requirements or if the mobile food vendor is a participant in a multiple (contiguous) day, City permitted, public property special event. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to permit revocation, municipal infraction, towing, or any other action legally allowed.

6. Music and Sound Making Devices. The use of music or sound making devices shall follow Section 53.11 paragraph 2.

7. Mobile Food Vendor Performance Standards. Persons conducting business from a mobile food unit must do so in compliance with the following standards:

a. The mobile food vendor must obtain written consent of the property owner to use the business property on which they propose to operate. The written consent must be kept in the unit at all times that the vendor is on the property, and copy of the written consent shall be included with the application.

b. The mobile food unit shall only be allowed on nonresidential properties, except in the case of a residential block party or private catering arrangement approved by the City.

c. No mobile food unit may be located on a vacant property or lot with a vacant building. Exceptions to this rule may be granted by city staff after a review of the particular property and the vendor has been able to make arrangements to ensure safe and sanitary conditions. This would include, but is not limited to: employee access to restrooms, adequate access for fire and police personnel/vehicles, and that the site in general is free from hazards or dangerous conditions.

d. Mobile food units within 300 feet of a residential use or residentially zoned property shall be limited to hours of operation between 7:00 a.m. and 10:30 p.m. Exceptions approved by City Administrator.

e. Mobile food vendors shall serve patrons which are on foot only; no drive-up service to the mobile food unit itself shall be provided or allowed.

f. No mobile food vendor may operate within 200 feet of a permanent restaurant, business offering food or beverage services or special event unless they have received written consent of the restaurant, business owner or special event coordinator.

g. All mobile food units shall maintain a minimum 15-foot separation from a building as measured to the closest building element including awnings or canopies, tents, or membrane structures. Location of the mobile food vendor shall not impede pedestrians entering or exiting the building.

h. No mobile food unit shall be parked in or otherwise impact access to/from ADA parking stalls or located in such a manner to create a safety hazard such as blocking emergency access to buildings and the site, blocking public and private sidewalks, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, etc.

i. Signs are limited to those that are attached to the exterior of the mobile food unit and must be mounted flat against the unit and not project more than 6 inches from the exterior of the unit. No freestanding signs, banners, flags, etc. are allowed. Off premises signs directing patrons to the mobile food vendor are prohibited.

j. No alcoholic beverages may be sold as a part of the mobile food vendor.

k. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

8. Property Owner Responsibility. By allowing the mobile food vendor on their property, property owners share in the responsibility of ensuring that the performance standards listed above and the safety of pedestrians and access of emergency vehicles to and around the site are maintained. Failure to do so could result in the property owners being party to any enforcement actions or penalties allowed by law, including, but not limited to, the alteration or revocation of a multiple vendor permit.

9. Revocation of Permit. The Police Chief may revoke any license issued under the provisions of this chapter by sending a Notice of Revocation by certified mail to the permit holder at his/her last known address, return receipt requested, or by personal service on the permit holder for any of the following causes:

a. The permit holder has made fraudulent statements in his/her application for the permit or in the conduct of his/her business.

b. The permit holder has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

c. The permit holder has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

d. The City Administration Office has received and investigated three (3) or more found complaints during the permitted period related to the manner in which the permit holder is conducting business.

1. Hearing. The permit shall stand revoked unless within five (5) days after receipt of the Notice of Revocation from the Police Chief, the permit applicant or holder files a written request for a public hearing on the Police Chief's action.
The public hearing shall be conducted before the City Administrator which shall forward to the full City Council a recommendation on whether a permit should be

reinstated or revoked. The City Council may order the license reinstated either conditionally or unconditionally or revoke the permit.

1. Ten (10) days' notice of the time and place of the public hearing shall be given to the permit applicant who shall have an opportunity to appear before the committee and present any evidence or arguments he/she may have why the action taken by the Police Chief should not be approved by the City Council.

(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)

10. Penalty. Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars ($500.00) or imprisonment not to exceed thirty (30) days and may also be punishable as municipal infractions subject to a civil penalty as set forth in this Code of Ordinances. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers and code enforcement officers shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction

(Repealed and Replaced Chapter 53 per Ordinance 1089- 04/14/21)

CHAPTER 54

HOUSEMOVERS

Sections:

54.1 Definition.
54.2 License Required.
54.3 License Exemptions.
54.4 Person Entitled To Be Licensed.
54.5 Licensing Procedure.
54.6 License Refusal and Appeal.
54.7 License Fees and Duration.
54.8 Inspection and Investigation.
54.9 License Revocation--Grounds.
54.10 License Revocation--Appeal.
54.11 License Revocation--Effect.
54.12 License Surrender--Fee Refund.
54.13 License Transfer Prohibited.

SEC. 54.1 DEFINITION. For use within this chapter, the following term is defined:

1. "Housemover" shall mean any person who undertakes to move a building or similar structure upon or across the public streets, alleys, walks or property.

SEC. 54.2 LICENSE REQUIRED. It is unlawful for any person to act as a housemover in the city, without having a license as herein provided.

SEC. 54.3 LICENSE EXEMPTIONS. This chapter shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

SEC. 54.4 PERSONS ENTITLED TO BE LICENSED. Any person who satisfies the conditions prescribed by this chapter for a particular license, and satisfies the city clerk that such occupation does not and will not endanger the public health, safety or welfare, shall be entitled to a license upon filing proper application and pay in the full fee required.

SEC. 54.5 LICENSING PROCEDURE. The licensing procedure shall be as follows:

1. Fee Payment. All fees required by this chapter shall be paid to the city clerk, who shall give the applicant a written receipt showing the sum received and the time of receipt.

2. The applicant shall post with the city clerk a penal bond in the sum of twenty thousand dollars ($20,000) with good and sufficient sureties approved by the city clerk. The bond shall guarantee the licensee's payment for any damage done to the city or to public property in the course of moving the building or similar structure.

3. The applicant shall be insured in the sum of ten thousand dollars ($10,000) against liability for the applicant or applicant's agents or employees acts in the course of the moving operation that result in personal injury, property damage or both. A penal bond for the same sum of money may be posted with the city clerk in lieu

of the insurance policy. The sureties on the bond shall be approved by the city clerk and the bond shall guarantee the licensee's payment for personal injuries or property damage caused by the licensee's agents or employees in the course of the moving operation.

4. The applicant shall also deposit with the city clerk a check covering actual anticipated costs to be incurred by the city relating to the moving procedure. The costs shall be determined by the electric utility director and the public works director.

5. The applicant shall file with the city clerk a routing plan approved by the police chief. The police chief shall approve the shortest route compatible with the greatest public convenience and safety.

6. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the licensee shall maintain flag people at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property, the licensee shall maintain adequate warning signs or flares at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

SEC. 54.6 LICENSE REFUSAL AND APPEAL. If the city clerk refuses to issue a license, he or she shall endorse the reasons upon the application. The applicant then 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, if a quorum, and the city clerk shall carry out the council's decision.

SEC. 54.7 LICENSE FEES AND DURATION. The fee for and the duration of each license shall be as follows:

(1) The fee for a housemover's license shall be established by resolution of the city council and authorization shall be granted for no more than three days. If a longer period is needed, the housemover's license must be reissued every three days, and a new application must be filed for each reissue of the license.

SEC. 54.8 INSPECTION AND INVESTIGATION. The city clerk shall have power to inspect and investigate the conduct of the occupations licensed or to be licensed under this chapter, or to cause such an inspection or investigation to be made by the police.

SEC. 54.9 LICENSE REVOCATION--GROUNDS. The city clerk, after giving the licensee reasonable notice and a fair hearing, may revoke any license issued under this chapter for the following reasons:

1. The licensee has made fraudulent statements in the application for the license or in the conduct of licensee's business.

2. The licensee has violated this chapter or has otherwise conducted business in an unlawful manner.

3. The licensee has conducted his business in a manner endangering the public health, safety or welfare.

4. The notice shall be in writing and shall be served personally by the city clerk or as required for personal service by the Iowa rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.

SEC. 54.10 LICENSE REVOCATION--APPEAL. If the city clerk revokes a license, he or she shall immediately notify the council in writing, giving the reasons for the revocation. The licensee then 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, if a quorum.

SEC. 54.11 LICENSE REVOCATION--EFFECT. Revocation of a license shall bar the licensee's eligibility for any license under this chapter for a period of one year from the date of revocation.

SEC. 54.12 LICENSE SURRENDER--FEE REFUND. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid upon surrender of the license to the city at a date prior to expiration. The rebate shall be determined by dividing the number of days for which the license was issued into the total license fee and then multiplying the result by the number of full days not expired. In all cases, one dollar of the original fee shall be retained by the city to cover administrative costs of canceling the license.

SEC. 54.13 LICENSE TRANSFER PROHIBITED. In no case shall a license issued under this chapter be transferable to another person or be used for a purpose other than that for which it was issued.

CHAPTER 55

JUNK DEALERS

Sections:

55.1 Definition.
55.2 Junk Dealers.
55.3 Junk Dealer License Display.
55.4 Fee for Junk Dealers.

SEC. 55.1 DEFINITION. For use within this chapter, the following term is defined:

1. "Junk dealer" means any person engaged in collecting, storing, buying or selling junk. "Junk" means articles or materials that, because of age, deterioration or use, have lost their original utility or desirability but that by alteration, restoration or salvage may furnish an item or items of value.

SEC. 55.2 JUNK DEALERS. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid and the time and date of the transaction.

SEC. 55.3 JUNK DEALER LICENSE DISPLAY. Every junk dealer shall display his or her license in a prominent manner at a place upon the business premises where business is commonly transacted with the public.

1. Every junk dealer shall segregate each day's collection for a period of forty-eight hours. During this period no item shall be disposed of or altered in any manner.

2. A junk dealer shall not purchase or receive junk from a minor unless a written consent of the minor's parent or guardian is received first. Such consent shall be attached to the record book as a part of the permanent record.

3. An appropriate city official shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.

4. All junkyards shall be enclosed with a six foot fence that hides the contents of the yard from public view.

SEC. 55.4 FEE FOR JUNK DEALERS. The fee for a junk dealer's license shall be established by resolution of the city council and the license shall expire one year after the time of issuance.

CHAPTER 56

PAWNBROKERS

Sections:

56.1 Definition.
56.2 License Required, Fee.
56.3 Applicant for License to File Affidavit, Contents.
56.4 Surety Bond: Prerequisite to License, Amount, Terms and Conditions, Approval.
56.5 Register: Required, Contents, Daily Copies to Be Filed With the Police Chief.
56.6 Inspection of Register and Property, Persons Authorized.
56.7 Ticket to Be Given for Property Received, Contents of Ticket
56.8 Record of Property Purchased, Required Data, Retention Period, Inspection.
56.9 Receiving Property from Minors Without Parental Consent.

SEC. 56.1 DEFINITION. Any person who loans or advances money on deposit of personal property, taken as security for such loan, or who engages in the purchase of personal property or goods on condition or agreement of selling the same back at an agreed or stipulated price, or any person who displays, at his place of business, the sign of three (3) gilt or yellow balls, generally used by pawnbrokers to denote their business, is declared to be a pawnbroker within the meaning of this chapter.

SEC. 56.2 LICENSE REQUIRED, FEE. No person shall carry on or engage in the business of a pawnbroker in the city without first obtaining a license therefor and paying the fee as established by resolution of the city council.

SEC. 56.3 APPLICANT FOR LICENSE TO FILE AFFIDAVIT, CONTENTS. Before any pawnbroker's license required by this chapter shall be issued, the applicant shall file with the city clerk an affidavit that he or she will observe and carry out the provisions of the ordinances of the city during the time the license is in force, in relation to pawnbrokers or their business, and also designating fully the location, as to street and number, where the business is to be transacted.

SEC. 56.4 SURETY BOND: PREREQUISITE TO LICENSE, AMOUNT, TERMS AND CONDITIONS, APPROVAL. Each applicant for a license required by this chapter shall, before the same is issued, file with the city clerk a bond with the sureties approved by the council, in the penal sum of five hundred dollars ($500.00), conditioned that the applicant will comply with and observe the terms and conditions of all ordinances of the city relating to pawnbrokers or their business, and will pay all costs, fines and penalties incurred on account of failure to observe such ordinances, and will pay all damages resulting to any person by reason of the wrongful purchase or receiving on pledge or on deposit of any stolen property or property from any minor, which bond shall be approved by the council and filed by the clerk.

SEC. 56.5 REGISTER: REQUIRED, CONTENTS, DAILY COPIES TO BE FILED WITH THE POLICE CHIEF. Each pawnbroker shall keep at his or her place of business a register in which a record shall be kept showing a description of all property taken, purchased or received by him or her, including the number of any watch, bicycle or other article, and the name or initials or any identification mark upon any article so taken by him or deposited with him, the name and residence and street and number of the person from whom such property is received or taken, the amount loaned on such property or paid to the person leaving or depositing the same, the interest charged or accruing to be paid by the person leaving or depositing such property, and the time when the loan falls due or when the contract made with the person depositing such property expires or matures. All entries made in such register shall be made in ink and a copy of the entries made each day shall be filed with the police chief before noon of the following day.

SEC. 56.6 INSPECTION OF REGISTER AND PROPERTY, PERSONS AUTHORIZED. The pawnbroker's register required by this chapter shall at all times be open to inspection by the police chief or any police officer of the city, the city attorney or his assistant, and anyone authorized in writing by the police chief of the city for that purpose, which written authority shall be exhibited to the pawnbroker. The pawnbroker shall also, upon request, show to any of the persons named in this section, any articles purchased, taken or received by him or deposited with him and in his possession.

SEC. 56.7 TICKET TO BE GIVEN FOR PROPERTY RECEIVED, CONTENTS OF TICKET. To each person selling, negotiating, depositing or leaving any property with a pawnbroker, the pawnbroker shall give a ticket upon which shall be printed or written a copy of all entries required by this chapter be made in the pawnbroker's register with reference to the transaction with such person, for which ticket no charge shall be made by the pawnbroker.

SEC. 56.8 RECORD OF PROPERTY PURCHASED, REQUIRED DATA, RETENTION PERIOD, INSPECTION. Each pawnbroker shall enter in the register required by this chapter the same data with reference to every article purchased or bought by him and shall keep the same in his place of business for a period of five (5) days after its purchase, and such property shall be reported and shall be subject to inspection the same as property pledged or deposited with him subject to redemption.

SEC. 56.9 RECEIVING PROPERTY FROM MINORS WITHOUT PARENTAL CONSENT. No pawnbroker shall purchase any personal property or receive the same on deposit from any minor without the written consent of the parent or guardian of such minor.

CHAPTER 57

TREE ORDINANCE

Sections:

57.1 Purpose.
57.2 Definitions.
57.3 Permit Required.
57.4 Business of Removing, Cutting, Trimming to be Licensed, Fees.
57.5 Permits and Licenses--Exemptions.
57.6 Bond or Evidence of Insurance.
57.7 Worker's Compensation Policy.
57.8 Felling of Trees/Limbs Onto Streets.
57.9 Materials Used on Trees Needs Permit.
57.10 Pollutants to Trees Not Allowed.
57.11 Arboricultural Specifications and Standards of Practice.
57.12 Removal of Trees.
57.13 Duty to Trim Trees.
57.14 Container Planting.
57.15 Erect Barriers for Protection of Trees.
57.16 Destroying of Trees.
57.17 Penalty.

SEC. 57.1 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by requiring street trees to be uniformly located and maintained. The primary responsibility for maintaining street trees is placed upon the abutting property owner or his designated agent, and the director shall personally supervise any extensive trimming or cutting of said trees.

SEC. 57.2 DEFINITIONS. For use in this chapter, the following terms are defined:

1. The term "person" shall mean any individual, firm, corporation, trust, association or any other organized group.

2. The term "street" shall mean the entire width between property lines of avenues or highways.

3. The term "parking" shall mean that part of the street, avenue or highway in the city not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

4. The term "property owner" shall mean a person owning private property in the city as shown by the county auditor's plats of the city.

5. The term "public property" shall mean any and all property located within the confines of the city and owned by the city or held in the name of the city by any of the departments, commissions or agencies within the city government.

6. The term "director" shall mean the leisure services director.

SEC. 57.3 PERMIT REQUIRED.

1. Except as allowed in Section 57.13, no person shall cut or remove any plant, tree or shrub on the streets or on public property without first obtaining a permit from the director, who shall issue said permit if the proposed work is necessary and the proposed methods and workmanship are satisfactory.

2. The director may demand the posting of bond or insurance before the permit is granted. Such bond or insurance shall be of sufficient amount to reasonably cover any damages that may occur to life or property while the provisions of the permit are being carried out.

3. Every permit granted in accordance with this section by the director shall describe the work to be done, the estimated cost, define the species, sizes and location of all trees and shrubs concerned and contain a definite date of expiration.

4. Any permit may be declared void if the terms are violated.

SEC. 57.4 BUSINESS OF REMOVING, CUTTING, TRIMMING TO BE LICENSED, FEES.

1. No person shall engage in the business of removing, cutting or trimming of trees or shrubbery in the city without first obtaining a license therefor. The applicant shall submit written application to the director setting forth his experience and qualifications. Upon determination by the director that he is qualified he shall be granted a license which shall allow the removal, cutting and trimming of trees and shrubbery in the city, which shall be an annual license commencing January 1, and terminating December 31, of each year. The license fee shall be established by resolution of the city council and shall be paid prior to the issuance of the license. No trimming, cutting or removal shall be done until the license has been obtained.

2. In addition, applicants may be required to pass a test designed and administered by the director.

SEC. 57.5 PERMITS AND LICENSES--EXEMPTIONS. The preceding section relating to permits and licenses shall not apply to the following:

1. The United States of America, the State of Iowa, any county, municipality or political subdivisions of the State, any department, bureau or agency of any of the foregoing or any official representative of any of the forgoing in pursuit of official duties.

2. Any person with reference to trees and shrubs on his own premises;

3. Any individual performing labor or services on or in connection with trees at the direction and under the personal supervision of a licensed tree trimmer while in the performance of such functions;

4. Any public utility engaged in tree trimming and/or tree removal for the purpose of line clearance in order to insure the continuity of utility service to the public.

5. Trimming or cutting which is in compliance with Section 57.13.

SEC. 57.6 BOND OR EVIDENCE OF INSURANCE. Any person, before engaging in the business or occupation of removing, cutting or trimming trees or shrubbery in the city, shall deposit with the director a good and sufficient bond or evidence of insurance in the sum of not less than ten thousand dollars ($10,000.00), provide evidence of liability insurance in the sum of One hundred thousand dollars ($100,000.00), conditioned that such person shall faithfully comply with the provisions of this chapter and shall indemnify, save and keep harmless the city and its officers from any and all claims, damages and losses and actions by reason of any acts or things done under or by authority or permission granted herein.

SEC. 57.7 WORKER'S COMPENSATION POLICY. Any person, before engaging in the business or occupation of removing, cutting or trimming trees in the city shall furnish satisfactory evidence to the director that the workers employed by that person are covered by a suitable worker's compensation policy according to the laws of that State.

SEC. 57.8 FELLING OF TREES/LIMBS ONTO STREETS. If a tree or limb will fall on any street, alley or sidewalk, the director must be notified prior to felling.

1. Safety requirements. The person to whom the permit is issued shall be responsible for placing such signs, flags, flares and barricades as are needed to warn persons of the danger of using the street, sidewalk or alley.

2. Trees or branches which are felled or trimmed onto public property must be removed immediately unless an extension of time is granted by the director in writing.

3. Stump removal cavities must be cleared and refilled with soil in the same operation. At no time shall a cavity remain unfilled overnight.

SEC. 57.9 MATERIALS USED ON TREES NEED PERMIT. No person shall fasten any sign, box, wire, rope or other material to, around or through any tree or shrub in any street, park or public place in the city except by the permission of the director or when such materials are designed to preserve such tree or shrub and have been placed under a permit granted by the director.

SEC. 57.10 POLLUTANTS TO TREES NOT ALLOWED. No person shall deposit, place, store or maintain upon any street, park or public place in the city any stone, brick, sand, concrete or other material which shall impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein except by permission of the director or when such materials are designed for the construction of sidewalks, pavement, gutters or other public improvements under a permit granted by the city or some department thereof.

SEC. 57.11 ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Location.

    a. Whenever possible trees should be planted inside the property lines and not between the sidewalk and the curb.

    b. All trees and shrubs hereafter planted in any street shall be planted midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall not be planted within 10 feet from the near edge of the road.

    c. Trees shall not be planted on the parking if said parking is less than 12' in length and 4 feet 9 inches in depth (sidewalk to curb), or contains less than 50 square feet of exposed soil or grass surface.

    d. Trees shall not be planted closer than 20 feet to the street intersections (property lines extended) and 4 feet 9 inches from any driveway.

    e. No tree that will attain a mature height of 30' tall may be planted under existing utility lines.

2. Nuisance. The following trees are not permitted to be planted in any street or public place in the city:

Boxelder	Siberian Elm	Chinese Elm
Cottonwood	White Poplar	Lombardy Poplar
Boileana	Poplar Willows	Tree of Heaven
American Elm	Silver Maple	Catalpa
Black Locust	Weeping Birch	European Mt. Ash
Poplar	Fruit Trees (except ornamentals)	
or any species of Ash.		

**No conifers or evergreens should be planted between the sidewalk and the curb of any city street for safety and visibility considerations. See director for trees recommended for planting.

3. Method of support. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

4. Trimming or pruning.

   a. All public tree trimming or pruning shall utilize Natural Target Puning Practice now commonly accepted by the United States Forest Service. All efforts to protect the Branch Collar will be the responsibility of the tree trimmer or pruner.

   b. All limbs over 1 inch in diameter must be bottom cut first to prevent striping of bark as limbs fall. Any limbs which endanger other limbs, trees or property shall be lowered to the ground - not felled.

   c. To avoid the spreading of disease, tools shall be disinfected with alcohol before use on another tree.

SEC. 57.12 REMOVAL OF TREES. The director shall remove, on the order of the council, any tree on the streets of this municipality which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitutes a threat to the public, or which may otherwise be declared a nuisance by the director. The Director or his Designee has the right to determine a Hazardous tree on private property that is a threat to public safety, and issue a 30 day notice to remove to the owner. If not removed in 30 days, the city shall remove it at the owner's expense and bill accordingly on their property taxes. The owner has the right to appeal said decision in front of the Forestry Committee within the 30 day period.

SEC. 57.13 DUTY TO TRIM TREES. The owner of property abutting a street shall keep the trees on his property or on the parking and overhanging the street, trimmed so that all branches will be at least (16) feet above the surface of the street and at least (8) eight feet above the sidewalks.

SEC. 57.14 CONTAINER PLANTING. No individual or firm shall establish a container either above or below ground for plants or trees on public property without a permit from the director. The petitioner shall submit a request complete with a design detail to the director prior to the issuance of said permit.

1. Requirements.

   a. Provisions in Section 57.11. Arboricultural specifications and standards of practice, must be met.

   b. The planting medium must be of sufficient size to support and sustain the plants and the container shall not be less than 24 inches in depth and 30 inches in diameter, inside dimensions.

c. All costs arising from the establishment, maintenance or removal of plants or plant containers will be born by the abutting property owner.

d. Plants, containers and their contents must be maintained in the conditions specified by original design at all times. Any planter not serving its designed aesthetic function shall be replanted or removed.

2. Notice to replant or remove. Any container and plant material not maintained to quality and designed standard as required by the director is hereby declared a nuisance, and must be abated by abutting property owner.

3. Freedom from liability. Any individual or firm granted the right to place or establish containers on public property pursuant to this section shall execute an indemnification agreement, which indemnifies and holds harmless the City of Waverly from any and all liability which may be incurred as a result of the placement of said containers and their contents.

SEC. 57.15 ERECT BARRIERS FOR PROTECTION OF TREES. During all building and construction operations, the contractor or builder shall erect suitable protective barriers around all trees and shrubs in any street, park or public place in the city in order to prevent said trees from being injured.

SEC. 57.16 DESTROYING OF TREES. No person shall break, deface, injure, kill or destroy any tree or shrub or set fire or permit any fire to burn where such fire or heat thereof will injure any portion of any tree or shrub in any street, park or public place in the city. Topping of any city owned tree is prohibited except when authorized.

SEC. 57.17 PENALTY. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding $100.00.

CHAPTER 58

TAXICABS AND LIMOUSINES

This Chapter was repealed by Ordinance 1144. Third Reading passed on June 3, 2024 and it was published June 11, 2024.

CHAPTER 59
CABLE TELEVISION FRANCHISE

The following franchise agreement was duly adopted March 13, 2018 by Ordinance No. 1032 and takes effect on July 1, 2018.

Sections:

59.1 Franchise Fees for Cable and/or Video Services
59.2 Public, Education and Governmental Channel Capacity, Support and Transmission
59.3 Franchise Fees

SEC. 59.1 FRANCHISE FEES FOR CABLE AND/OR VIDEO SERVICES.
Any provider of cable television and/or video services in the city, including authorized franchise certificate holders under Iowa Code Chapter 477A and any authorized municipal communications utility, shall remit to the city a franchise fee or fee(s) as provided under Iowa Code Section 477A.7, in the sum of five percent (5%) of gross revenues.

SEC. 59.2 PUBLIC, EDUCATION AND GOVERNMENTAL CHANNEL CAPACITY, SUPPORT AND TRANSMISSION.
Any provider of cable television and/or video services in the city shall provide the city with two public, educational and governmental channels and shall transmit the public, educational and governmental channel signals through its cable and/or video system within the city pursuant to Iowa Code Section 477A.6.

SEC. 59.3 FRANCHISE FEES. 50% of all franchise fees paid to the City of Waverly shall be deposited into the City's general fund. The remaining 50% of franchise fees paid to the City of Waverly shall be retained in a designated account to be used to facilitate the operation of the public, educational, and government channels provided by franchise certificate holders, including the cost of equipment, production and public broadcast of meetings and activities of the city council, commissions, boards and other public groups of the city, and further for the maintenance and operation of city websites. (Ordinance 1107 07/26/22)

Former Chapter 59 was repealed and replaced by Ordinance No. 1032 on March 13, 2018.

CHAPTER 60

DISPENSING BEER FROM KEGS

Sections:

60.1 Purpose.
60.2 Definitions.
60.3 Restrictions.
60.4 Permit Application.
60.5 Issuance of Permit.
60.6 Affect of Permit.
60.7 Damage Deposit.

SEC. 60.1 PURPOSE. In order to enhance the public enjoyment of parks and public grounds within the City of Waverly and in order to reduce the potential for disruptive behavior or damages in the city parks and public grounds the following regulations are adopted.

SEC. 60.2 DEFINITIONS. For the purpose of this chapter these words shall have the following meanings:

1. "Beer" is defined as in the current State Code of Iowa.

2. "Person" is defined as in the current State Code of Iowa.

3. "Keg" is defined as any container larger than 32 ounces used to dispense beer or other intoxicating beverages.

4. "Kegger" is defined as a gathering of two or more persons at which beer or other intoxicating beverages are dispensed from a keg or other container larger than 32 ounces.

SEC. 60.3 RESTRICTIONS. It shall be unlawful for any person to bring in or use or have in their possession a keg or other container larger than 32 ounces for the purpose of dispensing beer or other intoxicating beverages not otherwise prohibited by the Code of the State of Iowa within any park or public area under the jurisdiction of the City of Waverly, unless such use is authorized by written permit issued by the City of Waverly.

SEC. 60.4 PERMIT APPLICATION. Any person desiring to conduct a kegger in any park or public area within the city, shall:

1. Apply for a permit to the leisure services office one working day in advance of the proposed kegger. The application shall be in writing on a form provided by the city.

2. Advise the leisure services office of the proposed kegger's date, location, starting and ending time, the number and types of containers and anticipated attendance.

3. Designate a person twenty-one (21) years of age or older who shall sign a responsibility agreement form provided by the city.

4. Deliver to the leisure services director a damage deposit in an amount established by resolution of the Waverly city council.

SEC. 60.5 ISSUANCE OF PERMIT. The leisure services director or his designee shall at his sole discretion issue a permit under this chapter when it is found that the proposed activity will not unreasonably interfere with the general public enjoyment of the park or public area, or detract from the promotion of the public health, welfare, safety and recreation within the city. The police chief shall be provided a copy of the permit.

SEC. 60.6 AFFECT OF PERMIT. The person issued a permit to conduct a kegger under this section shall:

1. Be responsible to limit the permitted activity to the times and places designated in the permit application.

2. Be responsible for encouraging persons attending the kegger to comply with all applicable city or state Laws concerning the use of alcohol, including prohibitions against consumption by minors.

3. Be responsible for cooperating with and assisting the Waverly police department in enforcing any state laws, city ordinances or permit restrictions relating to the kegger.

4. Be responsible for any damage to public property caused by persons attending the kegger. Liability shall not be limited to the damage deposit.

SEC. 60.7 DAMAGE DEPOSIT. The damage deposit herein required shall be refunded to the applicant within fourteen (14) days following the kegger in the event the leisure services department determines that no damage or extraordinary clean up is required. In the event damage or extraordinary clean up is required, the city shall keep records of the costs and they shall be deducted from the damage deposit. Any costs exceeding the deposit shall be billed to the person designated in the responsibility agreement.

CHAPTER 61

SPECIAL EVENTS

61.01 Purpose
61.02 Definitions
61.03 Permit Required; Food and Health Regulations
61.04 Application for a Special Event Permit
61.05 Approval/Denial of Application
61.06 Coordination of Application
61.07 Permit Fee
61.08 Indemnity/Insurance Requirement
61.09 Permit Expiration
61.10 Obstruction of Traffic Prohibited
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61.12 Contractual Arrangements
61.13 Revocation or Suspension of Permit
61.14 Appeals
61.15 Peddler, Solicitor and Transient Merchant Permits

61.01 PURPOSE.

The purpose of this chapter is to ensure that special events are promoted and staged in a manner which preserves the safety of both our citizens and visitors to our City; to ensure that all promoters of these events are treated fairly and in accordance with their particular needs in the promotion of the event; to promote the economic well-being of our community through the orderly attraction of people to these events; and to ensure City personnel adequate opportunity to prepare for and provide services for the events so as to provide them the maximum opportunity for success.

61.02 DEFINITIONS.

For the purpose of this chapter certain terms and words are hereby defined:

1. "Special event" means an event sponsored by an individual, organization, club, group, partnership or corporation in which the public is invited to attend and which requires the use of public streets or other public property as a staging area for promotion of the event.

2. "Special event area" means a place designated by the special event promoter as provided in this chapter where the general public is invited to gather for an event and where the area of interest of the promoter will be promoted and/or celebrated and where, in connection with the special event, there may be displays, speeches, the performance of music or the arts, games, and other similar celebrations, and the sale and/or distribution of literature, antiques, crafts, curios, art or artifacts, food, and other similar items, all under the sponsorship of a "special event promoter" as defined in this section. The area designated as a special event area may include property which is privately owned, provided that the inclusion of private property within the special event area shall not be construed as requiring the owner of the private property to participate in or otherwise allow the property to be used in the special event without his, her or its consent, or as prohibiting the owner of the private property from using the private property in a manner otherwise allowed by law.

3. "Special event merchant" means an individual, organization, club, group, partnership or corporation which engages in the sale of items within a "special event area" as defined in this section through the permission of the special event promoter.

4. "Special event promoter" means an individual, organization, club, group, partnership or corporation which organizes, sponsors, promotes or makes space available for a special event or is otherwise considered the organizer of the special event.

61.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership or corporation shall act as a special event promoter within the City without first obtaining a permit as provided in this chapter.

2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations.

3. Special event promoters granted a permit hereunder and special event merchants selling alcohol during the event shall comply with all applicable State regulations for the sale and on-site consumption of alcoholic beverages by event attendees.

61.04 APPLICATION FOR A SPECIAL EVENT PERMIT.

1. A special event promoter shall file with the City Administration Office an application for a special event permit. The City Administrator may grant authority to a special event promoter to hold a special event in a designated special event area. The application shall be on a form furnished by the City Administration Office and shall contain information concerning the requested dates and hours of the event, other information required by this chapter, and such other information as may be reasonable in relation to the event for which the permit is requested.

2. The special event promoter shall provide, a detailed map of the designated special event area, showing any booths, trailers, stages, or other facilities which will be temporarily erected, constructed or parked as a part of the event.

3. At the time of application for the special event permit, the special event promoter shall make a request for any necessary street or right-of-way closings. Public right-of-way barricades must be erected in compliance with City of Waverly (and Iowa Department of Transportation when applicable) guidelines and comply with the Manual of Uniform Traffic Control Devices. It shall be the responsibility of the special event promoter to arrange for the erection of necessary barricades at its cost.

61.05 APPROVAL OF APPLICATION.

The City Administrator shall approve or deny the permit application based upon the facts and information presented to the City, discussion with City staff and due consideration of the overall effect the special event would have on the City and/or its citizens. The City Administrator may elect to defer consideration of the application to the City Council for approval at a regular meeting. An application may be rejected if granting the application would not be in the best interests of public health, safety, or welfare, including, but not limited to: excessive traffic; parking congestion; blocking access to other properties; reducing access for emergency vehicles; noise; if public health, safety and welfare were negatively affected by previous events in the same location or sponsored by the same Promoter; or if the Promoter has supplied false or misleading information on the application form.

61.06 COORDINATION OF APPLICATION.

1. Upon receipt of an application for a special event permit, the City Administration Office shall refer the application to the City Administrator and such other City personnel as may be appropriate for the coordination of street closings, barricade requirements, park use, liability protection and City

personnel and service requirements. If the Police Chief deems it necessary for the protection of the public good, the Police Chief shall conduct an investigation of the special event promoter and the proposed special event. The Chief shall submit findings and any other comments to the City Administrator consideration in making a final decision on the application.

2. Upon review of a special event promoter's application, all affected Department Directors shall attach their comments to the application and return the application to the City Administration Office. The Directors' comments shall be submitted to the City Administrator for consideration in making a final decision on the application.

3. Any permit approved by the Administrator will also include all comments from City Departments and will be provided to the applicant for compliance.

4. Any permit approved by the City Council shall also include any additional requirements imposed by the Council which shall be provided to the applicant for compliance.

61.07 PERMIT FEE.

The special event promoter shall pay a fee in the amount established by the City Council by resolution. The fee shall be paid upon issuance of the permit and shall be nonrefundable. Any City services utilized by the special event promoter shall be billed separately at rates established by the City Council by resolution. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City.

61.08 INDEMNITY/INSURANCE REQUIREMENT.

The approval by the City Administrator of an application for a special event permit shall be contingent upon the special event promoter providing the City with a signed Indemnity Agreement and a Certificate of Liability Insurance Coverage naming the City as an "additional insured" in a minimum amount of one million dollars ($1,000,000.00) combined limits. Upon receipt of the Indemnity Agreement and Certificate of Insurance, the City Administration Office shall issue the permit to the special event promoter.

61.09 PERMIT EXPIRATION.

A special event permit as issued shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period for cleanup. The permit shall expire at the end of the time period specified in the permit.

61.10 OBSTRUCTION OF TRAFFIC PROHIBITED.

The special event for which a permit is issued shall be conducted within the designated special event area. The special event shall not be conducted in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic outside of the designated special event area, except as specifically permitted.

61.11 EXHIBITING PERMIT.

A special event promoter shall be required to provide a permit to each special event merchant for exhibit by the special event merchant during the term of the permit period.

61.12 CONTRACTUAL ARRANGEMENTS.

The special event promoter shall be solely responsible for any contractual arrangements between the promoter and any special event merchants and/or private property owners operating or located within the designated special event area.

61.13 REVOCATION OR SUSPENSION OF PERMIT.

A permit issued under the provisions of this chapter may be revoked or suspended by the City Administrator, without notice, for any of the following causes:

1. Fraud, misrepresentation, or an incorrect statement contained in the application for permit, or made in the course of promoting the special event.

2. Failure to comply with any provision of this chapter.

3. Promoting the special event in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

61.14 APPEALS.

Any person aggrieved by the action of the City Administrator in denying a permit or in revoking or suspending a permit may appeal to the City Council. Such appeal shall be filed with the City Administration Office within fourteen (14) days after the action complained of, and include a written statement setting forth fully the grounds for such appeal. The City Administration Office shall set a time and place for consideration of such appeal at a Council meeting and notice of such consideration shall be mailed, postage prepaid, to the appellant at its last known address at least five (5) days prior to the meeting date. The person aggrieved shall be permitted a reasonable time to present the appeal at the meeting. The decision of the City Council regarding an appeal shall be final.

61.15 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT PERMITS.

A special event promoter may, in its application for a special event permit, request that the City Council temporarily limit the areas within the City for which a peddler, solicitor or transient merchant permit provided under Chapter 53 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the limitation of peddler, solicitor or transient merchant permits during the time period in question. If the City Administrator agrees with the suggested limitation of areas for which a peddler, solicitor or transient merchant permit may be issued during the time period for which a permit is issued under this chapter, the Administrator shall request that the City Council adopt a resolution providing for the modification of the issuance of peddler, solicitor and transient merchant permits as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor or transient merchant permit on a City-wide basis concurrent with the permitted special event would detract from the benefits provided by the permitted special event.

(amended by Ordinance 1153, adopted 09/16/2024 and Published 09/24/2024)
(Chapter 61 adopted by Ordinance 1018 – Published on 12/21/16)

CHAPTER 62

FOOD AND BEVERAGE SERVICE AND CART STORAGE

Sections:

62.1 Purpose
62.2 Intent
62.3 Authorizations
62.4 Satisfaction of Code of Iowa
62.5 Conflicts
62.6 Effect

SEC. 62.1 PURPOSE

Iowa Code Section 23A.2 permits a political subdivision of the state of Iowa to offer goods and services to the public in competition with private enterprise under Iowa Code Section 23A.2(1)(b) as long as the political subdivision specifically authorizes such competition by statute, rule, ordinance or regulation.

SEC. 62.2 INTENT

The City of Waverly is the owner of the Waverly Golf Course and is acquiring the clubhouse and other buildings associated with the Waverly Golf Course, which the city currently owns and operates. The City of Waverly intends to operate food and beverage operation in connection with its operation of the Waverly Golf Course.

SEC. 62.3 AUTHORIZATIONS

The City of Waverly is authorized to own, operate, maintain and offer to the public golfing, food and beverage, cart storage, and other related services through its facilities at the Waverly Golf Course.

SEC. 62.4 SATISFACTION OF CODE OF IOWA

The authorization granted in Section 62.2 is declared to be in satisfaction of Section 23A.2 of the Code of Iowa.

SEC. 62.5 CONFLICTS

All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SEC. 62.6 EFFECT

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

(Adopted by Ordinance 1114 – Published on 12/27/22)

CHAPTER 63

NUISANCES

Sections :

63.1 Defining Nuisances.
63.2 Nuisances Prohibited.
63.3 Depositing Rubbish.
63.4 Notice to Abate Nuisance.
63.5 Contents of Notice to Abate.
63.6 Method of Service.
63.7 Request for Hearing and Appeal.
63.8 Abatement by Municipality.
63.9 Collection of the Cost of Abatement.
63.10 Abatement in Emergency.

SEC. 63.1 DEFINING NUISANCES. The term "nuisance" shall mean whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. Nuisances are declared to be, but not limited to, the following:

1. All dogs, cats, goats, horses, cattle, swine, fowl, or other domestic animals running at large within the city limits.

2. All pools or ponds of stagnant water.

3. A carcass of any kind of dead animal not disposed of within twenty-four (24) hours after its death.

4. Dense growth of all vines, brush, or other vegetation in the city so as to constitute a health, safety, or fire hazard.

5. The corrupting or rendering unwholesome or impure the water of any river, creek, pond or ground water, or unlawfully diverting the same from its natural course to the injury or prejudice of others.

6. Accumulations of refuse or solid waste as defined in Chapter 69 of this code and further defined as “any solid waste or junk stored on the property (i.e., items of decomposing lumber, junk vehicles, tires, yard waste, household appliances, housing materials, scrap metal, solid waste, debris and garbage placed and/or stored on the property.”

7. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

8. Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing 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.

9. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the city, unless it be in a building of fireproof construction.

10. All obscene pictures, books, pamphlets, magazines and newspapers.

11. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.

12. The public use of profane or obscene language.

13. The burning of leaves, debris, or other materials upon a public street, sidewalk or other such public places.

14. All diseased animals running at large.

15. Trees infected with Dutch Elm Disease and trees infested with Emerald Ash Borer. (Ord. 981 06-16-14).

16. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of any portion or part of a public street, road, highway, alley or railroad track so as to endanger the safety of the public.

17. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated so as to endanger the safety of the public.

18. All unnecessary noises and vibrations that are unreasonably disturbing to the public.

19. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds, except under such conditions as are provided for by this code.

20. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather or an obstruction of traffic and the free use of the streets or sidewalks.

21. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided for by this code.

22. All use or display of fireworks except as provided by this code.

23. Weeds in violation of Chapter 64 of this code.

24. Abandoned or junked vehicles in violation of Chapters 65 and 66 of this code.

SEC. 63.2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

SEC. 63.3 DEPOSITING RUBBISH. Depositing rubbish or blocking the dry run as prohibited of Chapter 68 of this code.

SEC. 63.4 NOTICE TO ABATE NUISANCE. Whenever the mayor or other municipal officer finds that a nuisance exists, he shall cause to be served upon the owner, agent, or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided for in this chapter.

SEC. 63.5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

1. A description of what constitutes the nuisance or other condition;.

2. The location of the nuisance or condition;.

3. A statement of the act or acts necessary to abate the nuisance or condition;.

4. A reasonable time within which to complete the abatement;.

5. A statement that if the nuisance or condition is not abated as directed and no request for a hearing is made within the time prescribed, the city will abate it and assess the costs against the person to whom the notice was sent.

SEC. 63.6 METHOD OF SERVICE. The notice to abate shall be caused to be served by the police chief, upon the named person in the manner provided by law for the personal service of original notices or by certified mail delivered to the property owner.

SEC. 63.7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether the prohibited condition exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists, and it must be abated as ordered. At the conclusion of the hearing, the

hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If he finds that a nuisance or prohibited condition exists, he must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

SEC. 63.8 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the city clerk who shall pay such expenses on behalf of the municipality.

SEC. 63.9 COLLECTION OF THE COST OF ABATEMENT. The city clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the city clerk shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

SEC. 63.10 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required to abate the nuisance or condition without prior notice. The city shall assess the costs in the manner set out in this chapter, after notice to the property owner under the applicable provision of Sections 63.4 and 63.5 and hearing as provided in Section 63.7.

CHAPTER 64

WEEDS

Sections:

64.1 Definitions.
64.2 Nuisances Prohibited.
64.3 Property Maintenance Tiers.
64.4 Exceptions.
64.5 Permit Required.
64.6 Notice to Abate.
64.7 Contents of Notice to Abate.
64.8 Method of Service.
64.9 Request for Hearing and Appeal.
64.10 Abatement by Municipality.
64.11 Collection of the Cost of Abatement.

SEC. 64.1 DEFINITIONS.

1. Bremer County Weed Commissioner. The individual designated to oversee and administer Bremer County's noxious weed control program.

2. City Administrator. The chief administrative officer of the City of Waverly.

3. Code Enforcement Official. The individual designated to administer the health and nuisance code and responsible for the enforcement of the regulations imposed by this chapter.

4. Leisure Services Director. The chief administrative officer of the Leisure Services Department of the City of Waverly.

5. Nuisance. A property in violation of the assigned "Property Maintenance Tier" as defined in this chapter.

7. Noxious Weed. Any weed defined as noxious by Chapter 317 of the Iowa Code, Chapter 58 of the Iowa Department of Agriculture and Land Stewardship Administrative Code or any weed defined as noxious by the Bremer County Weed Commissioner.

SEC. 64.2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

SEC. 64.3 PROPERTY MAINTENANCE TIERS. The Property Maintenance Tiers are assigned to properties by the Code Enforcement Officer and Leisure Services Director or their designee. The Property Maintenance Tiers are described as follows:

1. Tier 1. All properties developed upon and described as having a residential, commercial, or industrial use. All described properties must maintain all grasses and/or weeds to a height of eight (8) inches or less and must be kept free of all noxious weeds.

2. Tier 2. All undeveloped properties zoned as residential, commercial, or industrial that do not directly abut developed properties, or developed properties with an approved Property Maintenance Tier 2 permit. All described properties must maintain all grasses and/or weeds to an approximate height of twenty-four (24) inches or less and be kept free of noxious weeds. All described properties abutting developed properties must maintain a five (5) foot buffer area keeping grasses and/or weeds to a height of eight (8) inches or less.

3. Tier 3. All properties described as agricultural in use, designated for stormwater detention/retention, parks and open space, urban woodlots, natural reserve and preserve areas, prairie grass and wildflower areas, wildlife refuges and conservation areas, wetlands and natural waterways, right-of-way ditches inside City limits or properties with an approved Property Maintenance Tier 3 permit. All described properties must be kept free from noxious weeds and volunteer trees, brushes or other vegetation.

SEC. 64.4 EXCEPTIONS.

1. All properties with an approved Property Maintenance Tier 2 or Tier 3 permit shall be permitted in the side and rear yards as described by Section 100.2.132. The front yard shall be maintained in compliance with Tier 1.
    a. Landscaping shall be allowed in all yards.

2. No property, regardless of Property Maintenance Tier, shall restrict the normal use of public alleys, sidewalks, or public rights-of-way in general.

3. No property, regardless of Property Maintenance Tier, shall create or allow to be maintained as a health, safety or fire hazard.

4. Tier 3 properties shall be exempt from maintaining a five (5) foot buffer when abutting Tier 1 or Tier 2 properties.

SEC. 64.5 PERMIT REQUIRED. Permits allowing for Property Maintenance Tier 2 and Tier 3 shall be issued by the Code Enforcement Officer. All Tier 3 permits must be reviewed and approved by the Leisure Services Director or their designee. Copies of all permits shall be provided to the Leisure Services Department. The fees for permits shall be established by resolution of the City Council. Appeal of administrative denial shall be made to the City Council. Properties with revoked Property Maintenance Tier 2 or Tier 3 permits shall be ineligible to apply for a Tier 2 or Tier 3 permit for a period of one (1) year.

SEC. 64.6 NOTICE TO ABATE. A written notice shall be given to the landowner when it is determined that grasses and/or weeds constitute a nuisance. Said landowner shall have seven (7) days in which to bring the property into compliance with their associated Property Maintenance Tier or to request a hearing before the Code Enforcement Official.

SEC. 64.7 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

1. Name of property owner(s) as shown by the County Auditor;

2. The location of the nuisance or condition, identified by address or legal description;

3. A description of what constitutes the nuisance or other condition;

4. A statement of the act or acts necessary to abate the nuisance or condition;

5. A reasonable time within which to complete the abatement;

6. A statement that if the nuisance or condition is not abated as directed and no request for a hearing is made within the time prescribed, the city will abate it and assess the costs against the person to whom the notice was sent.

SEC. 64.8 METHOD OF SERVICE. The notice to abate shall be caused to be served by the Bremer County Sheriff, upon the named person(s) or entities in the manner provided by law for the personal service of original notices or by certified mail delivered to the property owner.

SEC. 64.9 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether the prohibited condition exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists, and it must be abated as ordered. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the hearing officer finds that a nuisance or prohibited condition exists, they must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard by the City Administrator at a time and place fixed by the Code Enforcement Officer in consultation with the appealing

party. The findings of the City Administrator shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

SEC. 64.10 ABATEMENT BY MUNICIPALITY. If, after due notice, the property remains out of compliance with its Property Maintenance Tier, the city or its contractor(s) shall cut the grasses and/or weeds. If the property has a Property Maintenance Tier 2 or Tier 3 permit, that permit shall be revoked and the property will revert to Tier 1.

SEC. 64.11 COLLECTION OF THE COST OF ABATEMENT. The city clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within the time stated in the notice, the city clerk shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

(Former Chapter 64 Repealed and Replaced by Ordinance 1110 – Published on 08/23/22)

CHAPTER 65

ABANDONED MOTOR VEHICLES

Sections:

65.1 Purpose.
65.2 Definitions.
65.3 Authority to Take Possession of Abandoned Vehicles.
65.4 Notification of Owner and Lienholders.
65.5 Auction of Abandoned Vehicles.
65.6 Storage Charge.

SEC. 65.1 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property in the city by providing for removal and disposal of abandoned motor vehicles.

SEC. 65.2 DEFINITIONS. Definitions used in this chapter.

1. The term "abandoned vehicle" means any of the following:

   a. A vehicle that has been left unattended on public property for more than 48 hours and lacks current registration plates, or two or more wheels, or other parts which renders the vehicle totally inoperable; or

   b. A vehicle that has remained illegally on public property, excluding public parking lots for more than 48 hours; or

   c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or persons in control of the property for more than 24 hours; or

   d. A vehicle that has been legally impounded by order of the city police and has not been reclaimed for a period of 10 days; or

   e. Any vehicle parked on a street determined by the city police to create a hazard to other vehicle travel;

   f. However, a vehicle shall not be considered abandoned for a period of 15 days, if its owner or operator is unable to move the vehicle and notifies city police authorities responsible for the geographical location of the vehicle, and requests assistance in the removal of the vehicle.

2. The term "demolisher" means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, process scrap or scrap metal, or otherwise to wreck or dismantle vehicles.

SEC. 65.3 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. City police may, and on the request of any other authority having the duties of control of the highways or traffic, shall take into custody any abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The city police may employ its own personnel, equipment and facilities, or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing or disposing of abandoned vehicles.

SEC. 65.4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. City police taking into custody an abandoned vehicle shall notify, within 20 days, by certified mail the last known registered owner of the vehicle, and all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and V.I.N. number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and reclaim the vehicle and personal property within 21 days after the effective date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, claim and interest in the vehicle and that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the city police or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police chief to contest these matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle within the 21 day reclaiming period, the owner and lienholders shall no longer have any right, title, claim or interest in or to the vehicle. No court in any case in law or equity shall recognize any right, title, or interest of the owner and lienholders after the expiration of the 21 day reclaiming period.

2. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned motor vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in subsection (1) of this section.

3. The owner or any lienholders may, by written request deliver to the city police chief prior to the expiration of the 21 day reclaiming period, obtain an additional 14 days within which the vehicle may be reclaimed.

SEC. 65.5 AUCTION OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided in Section 65.4, the police chief shall make a determination as to whether or not the vehicle shall be sold for use upon streets and highways. If the vehicle is not sold for use upon the streets and highways, it shall be sold without public auction for junk or demolished and sold as scrap after complying with the notification procedures enumerated in Section 65.4. If the police chief determines the vehicle is suitable for use upon streets and highways then city police shall sell the vehicle at public auction. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the city police, and is entitled to register the vehicle and receive a Certificate of Title if sold for use upon the streets and highways. However, if the vehicle is sold or disposed of to a demolisher for junk, the sales receipt by itself is sufficient title, only for purposes of transferring the vehicle to the demolisher for demolition, wrecking or dismantling and, when so transferred, no further title of the vehicle is permitted.

From the proceeds of the sale of an abandoned vehicle, city police shall reimburse the city for the expenses of the auction, the costs of towing, preserving and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to Section 65.4, the cost of inspection and any other costs incurred, except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days, and shall then be deposited in the state road use tax fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police chief shall apply for reimbursement from the state road use tax fund as provided by law.

SEC. 65.6 STORAGE CHARGE. A storage charge in an amount established by resolution of the city council shall accrue to any abandoned vehicle taken into custody under this chapter and stored upon city property.

CHAPTER 66

JUNK MOTOR VEHICLES

Sections:

66.1 Purpose.
66.2 Definitions.
66.3 Authority to Take Possession of Junk Motor Vehicles.
66.4 Notification to Owner and Lienholders.
66.5 Auction or Disposal of Junk Motor Vehicles.
66.6 Junk Motor Vehicles a Nuisance.
66.7 Notice to Abate.
66.8 Duty of Owner of Junk motor Vehicle to Remove or Repair.
66.9 Abatement.
66.10 Cost of Abatement.
66.11 Hearing, Appeal.
66.12 Penalties.

SEC. 66.1 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens, and storage of junk motor vehicles, except in places authorized.

SEC. DEFINITIONS. Definitions used in this chapter:

1. The term "junk motor vehicle" shall mean any motor vehicle stored within the corporate limits of Waverly, lowa, not regularly operated on the public streets, and which possesses any one of the following characteristics:

   a. A broken or cracked windshield, window, headlight, tail light, or any other cracked or broken glass;

   b. A broken or loose fender, door, bumper, hood, trunk top, door handle, or decorative piece;

   c. Lacks an engine, one or more wheels, or other structural part which renders the vehicle inoperable;

   d. A chassis which has become the habitat of rats, mice or any other vermin or insects;

   e. Which contains gasoline or any other flammable fuel;

f. Which, because of its defective or obsolete condition, in any way constitutes a threat to public health and safety;

g. However, a motor vehicle shall not be considered a "junk motor vehicle" for the purpose of this chapter if stored:

(1) Within a garage or other enclosed structure;

(2) At an auto salvage yard or junk yard duly licensed by the city or state; or

(3) At a commercial auto repair facility for a period less than 60 days.

2. The term "demolisher" means any city or public agency organized for the disposal of solid waste, or any person whose business it is to convert a vehicle to junk, process scrap or scrap metal, or otherwise to wreck or dismantle vehicles.

SEC. 66.3 AUTHORITY TO TAKE POSSESSION OF JUNK MOTOR VEHICLES. City police are authorized to take into custody any junk motor vehicle found upon public or private property as provided in this chapter. City police may employ its own personnel, equipment and facilities, or hire other personnel, equipment and facilities for the purpose of removing, preserving, storing or disposing of junk motor vehicles.

SEC. 66.4 NOTIFICATION OF OWNER AND LIENHOLDERS.

1. Upon the city police taking into custody a junk motor vehicle, the police chief shall make a determination as to whether the vehicle should be sold at public auction or disposed of through a demolisher. City police shall notify by certified mail, the last known registered owner of the vehicle and all lienholders of record, addressed to their last known addresses of record, that:

a. The junk motor vehicle has been taken into custody.

b. The vehicle is to be sold at public auction, the date and location of the auction. If the vehicle is to be disposed of to a demolisher, the date upon which the vehicle will be sold to the demolisher.

c. The person receiving the notice shall have a right to reclaim the vehicle prior to its sale or disposal on payment to the city of all towing, preservation and storage charges resulting in placing the vehicle in custody, and upon payment of the costs of notices required pursuant to this chapter.

d. Failure of the owner or lienholders to exercise their right to reclaim the vehicle prior to sale or disposal, will be deemed a waiver by the owner or lienholders of any right, title, claim or interest in the vehicle and shall be deemed consent to the sale or disposal of the vehicle.

2. If the identity of the last registered owner cannot be determined or the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of lienholders, notice by one publication in one newspaper of general circulation in the area where the junk vehicle was taken into custody shall be sufficient to meet all requirements of notice under this section.

SEC. 66.5 AUCTION OR DISPOSAL OF JUNK MOTOR VEHICLES. If the junk motor vehicle has not been reclaimed as provided in Section 66.4 of this chapter, it shall be sold at public auction or sold to a demolisher for junk as provided in the notice. Such auction, sale or disposal shall not take place prior to 10 days following mailing of the notice to the owner and lienholders as provided in Section 66.4. In the event the vehicle is sold for junk to a demolisher, no notice of sale shall be required, except the notice provided to owners and lienholders in Section 66.4. In the event the vehicle is sold at public auction, notice of the time and place of auction shall be published one time in one newspaper of general circulation in the city, not less than 10 days prior to the auction. The purchaser of the junk motor vehicle takes title free and clear of all liens and claims of ownership, and shall receive a sales receipt from the city police is entitled to register the vehicle and receive a Certificate of Title, if sold for use upon the streets and highways. However, if the vehicle is sold to a demolisher for junk, the sales receipt by itself is sufficient title only for purposes of transferring the vehicle to the demolisher for demolition, and when so transferred no further title to the vehicle is permitted. The proceeds from the sale of junk motor vehicles shall be the sole property of the city of Waverly, Iowa.

SEC. 66.6 JUNK MOTOR VEHICLES A NUISANCE. It is hereby declared that storage within the corporate limits of a junk motor vehicle, on private property owned or controlled by the owner of the vehicle, constitutes a threat to the health and safety of the citizens, and is a nuisance.

SEC. 66.7 NOTICE TO ABATE. Upon discovery of any junk motor vehicle stored upon public or private property within the corporate limits of the City of Waverly, Iowa.

1. The motor vehicle is a junk motor vehicle and constitutes a nuisance under the provisions of this chapter.

2. The owner must remove or repair the motor vehicle within 10 days, in accordance with Section 66.8 of this chapter or request a hearing, as provided in Section 66.11 of this chapter.

3. Failure to remove or repair the motor vehicle or request a hearing within the time prescribed will cause the person to be guilty of a misdemeanor and the city may, at its option, abate the nuisance by removing and disposing of the junk motor vehicle and direct assessment of the costs against the violator and/or pursue prosecution therefor.

SEC. 66.8 DUTY OF OWNER OF JUNK MOTOR VEHICLES TO REMOVE OR REPAIR. The owner of a junk motor vehicle as defined in this chapter must, within 10 days after receipt of written notice from the police chief, remove the junk motor vehicle to a garage or other enclosed structure, to an auto salvage yard or junk yard duly

licensed by the city or state, or to a lawful place of storage outside the city limits, or repair the defects which cause the motor vehicle to violate the provisions of this chapter, including licensing if the motor vehicle is not currently licensed.

SEC. 66.9 ABATEMENT. If the owner of a junk motor vehicle shall fail to remove or repair the vehicle in accordance with the terms of Section 66.8 herein, or request a hearing within the time as provided by Section 66.11 of this chapter, the city police shall abate such nuisance by causing the junk motor vehicle to be removed and impounded, sold and disposed of as provided in Section 66.5 of this chapter.

SEC. 66.10 COST OF ABATEMENT. All costs of taking possession of a junk motor vehicle and selling and disposing of the same under this chapter shall be charged to the owner of the vehicle. These costs shall include costs of towing, preservation and storage of the vehicle, and all costs of inspection, notices and publication. The clerk shall mail the statement of the total expense incurred to the vehicle owner who has failed to abide by the Notice to Abate. If the amount shown by the statement is not paid within one month, the clerk shall certify the costs to the county auditor, and the same shall be collected with and in the same manner as general property taxes.

SEC. 66.11 HEARING, APPEAL. Any person ordered to abate a nuisance or condition under this chapter may have a hearing with the city administrator to determine whether a nuisance or prohibited condition exists.

1. Request for hearing must be made in writing and delivered to the city administrator within the time stated in the notice or it will be conclusively presumed that the nuisance or prohibited condition exists and must be abated as ordered.

2. At the conclusion of the hearing, the city administrator shall render a written decision as to whether a nuisance or prohibited condition exists. If he finds that a nuisance or prohibited condition does exist, he must order it abated within an additional 48 hours. An appeal from this written notice of such appeal within the additional 48 hours granted for abatement. The appeal will be heard before the city council at a time and date fixed by the council. Findings of the council shall be conclusive and if a nuisance or prohibited condition is found to exist, it shall be ordered abated within an additional 48 hours.

SEC. 66.12 PENALTIES. Anyone failing to remove or repair any junk motor vehicle stored on public or private property following notice by the city police as provided in Section 66.4 of this chapter, shall be guilty of a misdemeanor, and upon conviction, shall be subject to imprisonment of not to exceed 30 days, or a fine not exceeding $100.00.

CHAPTER 67

DOMESTIC ANIMAL CONTROL

Sections:

67.1 Definitions.
67.2 Domestic Animals Disturbing the Peace.
67.3 Domestic Animals Running At Large--Impoundment.
67.4 Report of Fees and Expenses.
67.5 Penalty.
67.6 Horses Prohibited in Parks.
67.7 Cruelty to Animals.
67.8 Disposal of Dead Animals.
67.9 Dangerous Animals and Dogs.

SEC. 67.1 DEFINITIONS.

1. "Domestic animal" means any animal owned by a citizen as a pet, for profit, or for any other purpose.

2. "At large" refers to any domestic animals running otherwise upon the premises of its owner when the domestic animal is not attached to a leash held by a competent person, restrained within a motor vehicle or in an animal hospital or kennel.

3. "Owner" includes any person, firm or corporation owning, harboring, sheltering or keeping a domestic animal.

SEC. 67.2 DOMESTIC ANIMALS DISTURBING THE PEACE.

1. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to run at large within the city.

2. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

3. It is unlawful for an owner of a domestic animal to allow or permit such domestic animal to cause serious annoyances or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

SEC. 67.3 DOMESTIC ANIMALS RUNNING AT LARGE-IMPOUNDMENT.

1. Any domestic animal found at large in violation of this chapter shall be seized and impounded at the owner's expense.

2. Law Enforcement Officials shall make a reasonable effort to determine the owner's name and current address of a domestic animal running at large within the City. If the owner of a domestic animal cannot be determined refer to Section 67.3(3). If the owner of a domestic animal is determined refer to Section 67.3(4).

3. Any person appearing within five days after the impounding of any domestic animal shall, upon proper identification and upon payment to the police chief of a fee as set by city council resolution, plus board and upkeep to be paid to a City approved facility, have such animal released.

4. Owners of a domestic animal shall be notified in person or writing that, upon payment of the fees described in subsection (3), the domestic animal shall be returned. In the event of such notice, the seven-day period shall commence from the date of written notice.

5. If such domestic animal is not claimed within five days from the date of impounding or, if applicable, seven days from the date of written notice, they shall be disposed of in a humane manner.

SEC. 67.4 REPORT OF FEES AND EXPENSES. The police chief shall report to the city council all fees imposed and collected and all expenses incurred pursuant to the provisions of this chapter. The net proceeds, if any, shall be deposited into the general fund of the city treasury.

SEC. 67.5 PENALTY.

1. Any person who keeps or harbors any domestic animal or fowl and allows the animal or fowl to run at large within the city is guilty of a misdemeanor.

2. Any person who keeps or harbors within the city such bothersome animals, fowls or insects as barking dogs, cattle, horses, swine, sheep, chickens, ducks or bees which tend to disrupt the peace and good order of the community is guilty of a misdemeanor.

SEC. 67.6 HORSES PROHIBITED IN PARKS. No person, firm or corporation shall cause any horse to enter onto or across any public park or cemetery within the city without obtaining prior approval from the city council.

SEC. 67.7 CRUELTY TO ANIMALS. No person shall torture, torment, mutilate, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise; or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether maliciously, willfully or negligently.

SEC. 67.8 DISPOSAL OF DEAD ANIMALS. The owner of any dead animal, within the city, who fails, neglects or refuses to properly bury or dispose of the same within twenty-four hours after having notice thereof, is guilty of a misdemeanor.

SEC. 67.9(1) DEFINITIONS.

(a) Dangerous Animal Means

(1) Any animal or species of animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having tendencies as a species to do so; or

(2) Any animal declared to be dangerous by the City Council or the Animal Control Officer; or

(3) a. A member of the family Elapidae, Viperidae, crotalidae, atractaspidae, or hydrophidae which are venomous, including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.
b. A member of the superfamily henophidia, which are limited to reticulated pythons, anacondas, and African rock pythons.

(b) Dangerous Dog Means

(1) Any dog over the age of 6 months with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or

(2) Any dog which attacks a human being or other domestic animal without provocation; or

(3) Any dog declared to be dangerous by the City Council or an Animal Control Officer.

(c) Guard Dog shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler.

(d) Animal Control Officer shall mean the Waverly Police Chief or a Waverly Police Officer designated by the Chief to perform the duties of Animal Control Officer for the purpose of this Chapter.

SEC. 67.9(2) KEEPING OF DANGEROUS ANIMALS PROHIBITED.

(a) No person shall keep, shelter, or harbor as a pet, guard, or for other purpose, within the city, a dangerous animal as defined herein, except as provided in 67.9(2)(b).

(b) The prohibition contained in 67.9(2)(a) shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of bulls for farm purposes in a U-1 Unclassified District; or A-1 Agricultural District.

(2) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;

(3) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Conservation Commission, pursuant to Chapters 109 and 109A of the Iowa Code.

SEC. 67.9(3) REGULATION OF KEEPING OF DANGEROUS ANIMALS.

(a) Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to 67.9(2)(b) shall report such fact, in writing to the Animal Control Office.

(b) Every person, firm, or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or enclosure.

(c) Every person, firm or corporation owning, keeping or harboring a poisonous, dangerous animal shall be required to keep ten doses of anti-venom on hand and current at all times.

(d) It shall be the owner's responsibility to notify the Animal Control Officer immediately in the event that a dangerous animal has escaped and is at large.

(e) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such animal, may in the discretion of the Animal Control Officer, be destroyed if it cannot be confined or captured. The City of Waverly shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(f) Order to Remove. In the event the Animal Control Officer determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provision of this chapter, the Animal Control Officer may in his/her discretion have such individual or entity prosecuted for such violation, and or he/she may order such individual or entity to remove such dangerous animal from the city to destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the Animal Control Officer shall be appealable to the City Council, which may affirm or reverse such order, and the notice shall so state.

(g) Appeal. Any individual or entity desiring to appeal an order issued by the Animal Control Officer pursuant to 67.9(3)(g) to the City Council, may do so by filing a written appeal seven days after receipt of the notice to remove dangerous animal. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within thirty days of the receipt of notice of appeal. After such hearing, the City Council may affirm or

reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within twenty days after the hearing, or any continued session thereof.

(h) If the City Council affirms the action of the Animal Control Officer, the City Council shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with in seven days of its issuance, the Animal Control Officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision an order of City

Council was issued has not petitioned the Bremer County District Court for a review of the order, the Animal Control Officer shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the City Council issued pursuant thereto shall constitute a misdemeanor, and be punishable by a fine of not less than fifty dollars ($50.00).

(i) Every order of the City Council issued pursuant to the provision of this section shall set forth the language of subsection 67.9(3)(h) hereof.

SEC. 67.9(4) KEEPING OF DANGEROUS DOGS PROHIBITED.

(a) No person shall keep, shelter or harbor as a pet, within the city, a dangerous dog as defined in Section 67.9(1)(b).

(b) A dangerous dog is "at large" if such dangerous dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such dog may only be kept as set out above if the owner is waiting an appeal or a decision of the City Council to determine if the dog is a dangerous dog under the terms of this ordinance.

(c) In the event that a dangerous dog is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such dangerous dog, may in the discretion of the Animal Control Officer, be destroyed if it cannot be confined or captured. The City of Waverly shall be under no duty to attempt the confinement or capture of a dangerous dog found at large, nor shall it have a duty to notify the owner of such dangerous dog prior to its destruction.

(d) Order to Remove. In the event the Animal Control Officer determines that a dangerous dog is being kept, sheltered or harbored by any individual or entity in violation of the provisions of this chapter, the Animal Control Officer may in his/her discretion have such individual or entity prosecuted for such violation, and he or she may order such individual or entity to remove such dangerous dog from the city or destroy it. Such which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the Animal Control Officer shall be appealable to the City Council, which may affirm or reverse such order, and the notice shall so state.

(e) Appeal. Any individual or entity desiring to appeal an order issued by the Animal Control Officer to the City Council, may do so by filing a written appeal seven days after receipt of the notice to remove the dangerous dog. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within thirty days of the receipt of notice of appeal. After such hearing, the City Council may affirm or reverse the order of the Animal Control Officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within twenty days after the hearing, or any continued session thereof.

(f) If the City Council affirms the action of the Animal Control Officer, the City Council shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with in seven days of its issuance, the Animal Control Officer is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision

and order of the City Council was issued has not petitioned the Bremer County District Court for a review of the order, the Animal Control Officer shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the City Council issued pursuant thereto shall constitute a misdemeanor, and be punishable by a fine of not less than fifty dollars ($50.00).

(g) During the appeal process, if the owner does not have a securely enclosed and locked pen, the owner shall confine the dangerous dog within the owner's residence, at a veterinarian hospital or at a kennel. This confinement shall be at the owner's expense.

SEC. 67.9(5) EXCEPTIONS: GUARD DOGS. The prohibition contained in this article shall not apply to keeping of guard dogs. However, guard dogs must be kept within a structure or a fenced enclosure at all times, and any guard dog found at large may be processed as a dangerous animal pursuant to the provisions of this article. Any premises shall inform the Animal Control Officer or Police Department, in writing, that a guard dog is on duty at the premises. It shall be the owner's responsibility to notify the Police Department immediately when a guard dog has escaped and is running at large.

CHAPTER 68

DRY RUN WATERWAY

Sections:

68.1 Background.
68.2 Purpose.
68.3 Definitions.
68.4 Prohibited Activities.
68.5 Impediments Within the Dry Run Channel a Nuisance.
68.6 Duty of Owner.
68.7 Notice to Abate.
68.8 Duty of City.
68.9 Abatement.
68.10 Cost of Abatement.
68.11 Hearing, Appeal.
68.12 Penalties.

SEC. 68.1 BACKGROUND. The dry run waterway conveys storm water from a large portion of the City of Waverly to the Cedar River. It is subject to periodic flooding, which has resulted in major property damage and loss of life. The city has expended large sums of public money for flood control projects to minimize flooding in the dry run area, including construction of a retention basin to control discharging waters into the dry run.

SEC. 68.2 PURPOSE. The purpose of this chapter is to protect the safety of the citizens and property in the city by prohibiting conditions which might interfere with the efficient conveyance of flood waters through the dry run and to promote the health and sanitation of the community by prohibiting conditions causing standing water conducive to breeding insects. It is recognized that this chapter is not a solution to flooding of the dry run.

SEC. 68.3 DEFINITIONS.

1. The term "dry run" as used in this chapter shall mean natural waterways extending through the west part of Waverly and more specifically defined as the south branch and the north branch as follows:

a. South Branch. The natural waterway extending west from the Cedar River from approximately Seventh Avenue Southwest on west to its point of intersection with Fourth Street Southwest (Highway 218) between Seventh Avenue Southwest and Eighth Avenue Southwest.

b. North Branch. The natural waterway extending west from the Cedar River at approximately Seventh Avenue Southwest on north and west to its points of beginning; in the Willow Lawn area, approximately 1000 feet west of Twenty-fourth Street Northwest immediately north of Third Avenue Northwest; and north of Fifth Avenue Northwest, at its point of intersection with Twentieth Street Northwest. (Ord. 1015 11/29/16)

2. The term "Dry Run Channel" includes all areas within the boundaries which confine water to its channel throughout the entire width when the dry run waterway is carrying its maximum quantity of water.

3. The term "foreign object" as used in this chapter shall mean any object or thing, except vegetation, located in the dry run channel that is not a structural part of the channel.

SEC. 68.4 PROHIBITED ACTIVITIES. No person shall engage in any of the following activities within the dry run channel:

1. Deposit any garbage, trash, refuse or foreign object or materials of any kind into the channel;

2. Plant any trees, shrubs or other growing objects within the dry run channel;

3. Deposit any dirt or fill in the dry run channel or alter the channel in any manner, without the prior written consent of the city administrator of the City of Waverly.

4. Erect any structure or other improvement within or across the dry run channel without the prior written consent of the city administrator of the City of Waverly.

SEC. 68.5 IMPEDIMENTS WITHIN THE DRY RUN CHANNEL A NUISANCE. It is hereby declared that the existence of any foreign objects or vegetation with any dimension exceeding 12 inches on private property within the dry run channel constitutes a threat to the health and safety of the citizens of this city, and is a nuisance. (Ord. 1015 11/29/16)

SEC. 68.6 DUTY OF OWNER. It shall be the duty of owners of private property in the dry run channel to:

1. Remove any foreign object from that portion of the dry run channel belonging to the property owner;

2. Trim any vegetation growing within the channel, including grass, weeds, shrubs and trees, so such vegetation shall not exceed a height of 12 inches.

3. Abate a nuisance existing in the dry run channel upon a receipt of a notice to abate as provided in Section 68.7 of this chapter.
(Ord. 1015 11/29/16)

SEC. 68.7 NOTICE TO ABATE. Upon discovery of any foreign object or vegetation with a dimension exceeding 12 inches on private property within the dry run channel, the Public Works Director shall notify by certified mail the owner of that portion of the channel upon which such foreign object or vegetation is located, that:

1. The foreign object or vegetation constitutes a nuisance within the provisions of this chapter;

2. The owner must remove any foreign object cited in the notice within 48 hours and trim any vegetation cited in the notice within five (5) days, or request a hearing, as provided in Section 68.11 of this chapter;

3. Failure to remove the cited foreign object or trim the cited vegetation, or request a hearing within the time prescribed, will cause the person to be guilty of a Municipal Infraction and the city may at its option abate the nuisance and direct assessment of the costs against the violator and/or pursue prosecution therefore. (Ord. 1015 11/29/16)

SEC. 68.8 DUTY OF CITY. The public works department of the city shall have the duty to check the entire dry run channel at least two (2) times each calendar year, for violations of this chapter.

SEC. 68.9 ABATEMENT. If the owner of property within the dry run channel shall fail to remove foreign objects or trim vegetation in violation of this chapter upon notification by the Public Works Director, as provided in Section 68.7, or request a hearing as provided in Section 68.10, the public works department of the city of shall abate such nuisance by removing the foreign object and trimming the vegetation which violates this chapter.

SEC. 68.10 COST OF ABATEMENT. All costs of removing foreign objects or trimming vegetation in violation of this chapter after notification per Section 68.7 shall be charged to the owner of the property from which the object or vegetation was removed. If city personnel abate the nuisance, these costs shall include all costs of notification and the actual labor and equipment costs of removal. If the city contracts another party to abate the nuisance, the costs shall include costs of notification and the actual costs of such service billed to the city. The clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the Notice to Abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall be collected with and in the same manner as general property taxes.

SEC. 68.11 HEARING, APPEAL. Any person ordered to abate a nuisance or condition under this chapter may have a hearing with the city administrator as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the city administrator within the

time stated in the notice or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

1. At the conclusion of the hearing, the city administrator shall render a written decision as to whether a nuisance or prohibited condition exists. If he finds that a nuisance or prohibited condition exists, he must order it abated within an additional 48 hours. An appeal from this decision may be had by filing within 48 hours a written notice of appeal with the city administrator. This appeal will be heard before the city council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within an additional 48 hours.

SEC. 68.12 PENALTIES. Anyone disposing of foreign objects into the dry run channel in violation of this chapter, or anyone failing to remove foreign objects or trim vegetation in violation of this chapter, following notice by the city administrator as provided in Section 68.7 herein, shall be deemed to have committed a Municipal Infraction punishable under Chapter 23 of the Municipal Code.
(Ordinance 1015 – Published on 11/29/16)

CHAPTER 69

SOLID WASTE

Sections:

69.1 Chapter Purpose.
69.2 Definitions.
69.3 Collection.
69.4 Container Specifications.
69.5 Commercial Containers, Provisions and Fees.
69.6 Hazardous and Prohibited Material Disposal.
(Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)
69.7 Littering Prohibited.
69.8 Hauling Permit Required.
69.9 Hazardous Accumulations Prohibited.
69.10 Solid Waste Fund.
69.11 Collection Service Charges--Designated.
69.12 Collection Service Charges--Exemptions.
69.13 Collection Service Fee Provisions.
69.14 Delinquent Accounts-Special Assessment Procedure.
69.15 Violation--Penalty.

SEC. 69.1 CHAPTER PURPOSE. The purpose of this chapter is to protect the health and safety of the City by eliminating unhealthy and unsightly conditions caused by the deposit and accumulation of solid waste.

SEC. 69.2 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply: (Amended by Ordinance 1135, Published 12/19/2023)

1. "Commercial premises" means any premises not defined as residential premises.

2. "Director" means the Public Works Director of the City, who shall have responsibility for administering and enforcing the provisions of this chapter.

3. "Owner", in addition to the record title holder, includes any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

4. "Person" includes any individual, firm, corporation, partnership, trust and any other organized group or government.

5. "Residential premises" means and includes single-family dwellings and each unit of multiple-family dwellings.

6. "Solid Waste" includes, but is not limited to, the following: Useless, unwanted or discarded materials resulting from commercial, industrial, domestic and agricultural operations and other normal community activities. Wastes which are solid or semisolid containing insufficient liquid to be free-flowing are considered to be solid waste, and shall include garbage, rubbish, ashes and other residue of incineration.

7. "Yard Wastes" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

8. "Container" means a garbage can or dumpster owned, issued and maintained by the City of Waverly.

9. "Sharps Waste" is a form of biomedical waste composed of used "sharps", which includes any device or object used to puncture or lacerate the skin. Sharps waste is classified as biohazardous waste and must be carefully handled. Common medical materials treated as sharps waste are hypodermic needles, disposable scalpels and blades, contaminated glass and certain plastics, and guidewires used in surgery.

SEC. 69.3 COLLECTION. The Department of Public Works shall provide mandatory solid waste collection services for and on behalf of the City by removing solid waste from residential and commercial premises subject to the following conditions:
(Amended by Ordinance 1135, Published 12/19/2023)

1. Collections from residential premises shall be weekly or bi-weekly depending on plan selected.

2. Collections from commercial premises shall be made not less than once a week, but the Director is authorized and empowered to change or alter the schedule of any commercial premises as the Director, at their discretion, deems necessary.

   a. Collections from commercial premises serviced by private haulers under Section 69.8 shall be made not less than twice per month.

3. Location of containers shall be placed out-of-doors at some easily accessible place.
   a. Containers from residential premises shall be placed within 18 inches of the curb or alley with the short metal bar facing the street for collection.

      Containers must be separated by at least three feet and should be placed at least 6 feet away from any permanent structures.

It shall be the responsibility of the homeowner to have the container(s) out by 7:00 a.m. on the scheduled collection day. The container(s) may be placed out for collection after 6:00 p.m. on the day preceding the scheduled collection day. Containers must be removed not later than 8:00 p.m. on the day of collection.

b. Commercial: Refer to Section 69.5 Commercial Containers and Provisions.

(Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)

4. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be disposed of by one or more of the following methods:

   a. Composted on the premises.

   b. Disposed of at the City's Yard Waste Facility.

   c. Placed in approved bags and set out for collection by the City during specified yard waste collection days in the spring and fall.

   d. Burned on the premises provided a permit to burn was obtained from the City and the burning does not create a nuisance contrary to Chapter 63 of the Waverly Municipal Code.

SEC. 69.4 CONTAINER SPECIFICATIONS. Containers shall be issued by the City of Waverly. (Amended by Ordinance 1135, Published 12/19/2023)

1. All solid waste and recyclables shall be placed in containers issued by the City of Waverly. (Ord. 1059 4/9/19)

2. Containers designed to serve residential premises shall be either 35-gallons or 65-gallons or 95-gallons in capacity.

   Multi-unit residential properties will be assessed by the Public Works Department to determine if individual containers or a dumpster will be assigned.

3. Extra garbage weighing less than fifty pounds and in a disposable bag manufactured for solid waste (33 gallons or less) may be placed on top of a City-issued container with a garbage tag attached.

4. Large bulky items that cannot be reduced to fit approved containers, including but not limited to furniture and appliances, shall be delivered by the owner of residential premises to a designated public works location. Large bulky items may be collected curbside by scheduling a special pick-up with the Public Works Department. Fees apply for special pick-ups and for disposal of bulky items.

SEC. 69.5 COMMERCIAL CONTAINERS AND PROVISIONS.

1. Solid waste and recycling containers shall be issued by the City to commercial refuse customers upon request of the owner. (Ord. 1059 4/9/19)

    a. Commercial premises requiring containers 12 cubic yards or greater may arrange for service by a private hauler under the provisions of Section 69.8.

2. Maintenance and replacement of containers shall occur as deemed necessary by the Public Works Director.

3. Container/Dumpster Placement & Access:

    a. Owner shall be responsible for the provision of a suitable hard-surfaced site for the placement of the refuse container/dumpster. The site must be accessible by the refuse truck.

    b. Owner shall be responsible for containing/securing the refuse container/dumpster. Enclosures are recommended and must be a minimum of 10 feet by 13 feet and shall be constructed in a location which provides access for the commercial refuse truck. New enclosure designs must be reviewed for serviceability and approved by the Director.

    c. Owner shall ensure unobstructed access to and from the container/dumpster site. This includes removal of obstructions including snow and ice accumulation. The City will not be responsible for missed service due to obstructions blocking the container/dumpster site.

    (Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)

4. Container/Dumpster Use:

    a. The container/dumpster shall be in the possession and control of the owner. The owner agrees to hold harmless and indemnify the City against all claims, lawsuits, and any other liability for bodily injury to persons or damage to property arising out of the possession or use of the equipment.

    b. Owner shall be responsible for the cleanliness and safekeeping of the container/dumpster, and is responsible for any, and all damage from the time the equipment is delivered until it is returned. This includes but is not limited to fire, theft, vandalism, negligence, graffiti, natural disaster, or other activity which causes damage.

c. Owner is responsible for the entire contents of the container/dumpster until the container/dumpster contents are accepted without protest by the disposal facility. If any contents are not permitted or rejected by any City, County, State or Federal agency, all associated fees, penalties, fines or actions taken by the disposal facility will be the owner's sole responsibility. Costs associated include but are not limited to cleanup, monitoring, legal fees, penalties, or any other charges associated with unauthorized material disposal. Materials may also be returned to the owner at the owner's expense.

d. Owner shall not overfill or pile trash next to the container/dumpster.

e. Cardboard dumpsters are intended only for clean cardboard. Any other items are banned.

(Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)

5. Owner waives all claims for property damage or other loss, bodily injury or claim against the City, owing to or arising out of the delivery, removal or replacement of the container/dumpster. The owner similarly agrees to hold harmless the City against all loss or liability from risks or claims arising from container/dumpster location or placement.

(Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)

SEC. 69.6 HAZARDOUS AND PROHIBITED MATERIAL DISPOSAL. No person shall deposit or cause to be deposited in any solid waste container, or on any premises, public or private, any of the following hazardous materials:

1. Explosive materials.

2. Volatile or inflammable materials or any waste containing such.

3. Drugs, poison, acids or chemicals in such quantity as to create a health or safety hazard.

4. Sharps waste.

5. Combustible materials or other materials which may present a special hazard to collection personnel, equipment or the general public.

6. Animal carcasses.

7. Yard Waste.

8. Appliances.

9. Fluorescent light fixtures (with or without ballasts and tubes).

10. Tires.

11. Heavy Construction materials.

12. Paint (with the exception of water-based paint that has been dried).

All hazardous/prohibited materials as specified by this section shall be transferred by the owner to a legal place of safe and sanitary disposal.

(Amended per Ordinance 1157, Passed 12/02/2024 and Published 12/10/2024)

SEC. 69.7 LITTERING PROHIBITED. No person shall throw, rake, deposit, place, drop or spill litter, waste material or foreign material upon the streets, sidewalks or other public right-of-ways within the City except as provided in Section 69.4.

SEC. 69.8 HAULING PERMIT REQUIRED.

1. No person shall engage in the activity of removing or hauling residential or commercial solid waste and recyclables from the premises of others for a fee or

   other consideration, except that resulting from construction and demolition activities, or serving containers and equipment not issued by the City in which case said person must first apply for and receive a permit to do so from the City. (Ord. 1059 4/9/19)

2. All construction, demolition and commercial hauling permits shall be issued by the Public Works Department and shall bear thereupon any restrictions regarding hauling and deposition of said waste.

3. The application may be denied and issued permits may be revoked indefinitely at any time if the bearer is determined to have violated the stipulations thereupon or any other provisions of this chapter.

4. All solid waste collected by private haulers shall be disposed of at a legal landfill.

SEC. 69.9 HAZARDOUS ACCUMULATIONS PROHIBITED. It is unlawful for any person to accumulate or cause to be accumulated on any premises, improved or vacant, public or private, such quantities of solid waste, either contained or not, that shall be deemed by the provisions of this code to constitute a health, safety, sanitation or fire hazard.

SEC. 69.10 SOLID WASTE FUND.

1. The City Finance Director shall keep a ledger to be known as the "solid waste fund". There shall be placed to the credit of that fund all monies accrued and on hand from solid waste collection service charges. Additionally, all receipts and all expenses incurred relative to the operations of the solid waste enterprise shall be deposited to and paid from the "solid waste fund".

SEC. 69.11 COLLECTION SERVICE CHARGES--DESIGNATED.

1. A monthly fee for City-issued containers as determined by the City Council shall be charged by the City and collected from each family unit or owner of a "residential premise" as defined in Section 69.2. Residential premises without a City-issued container shall be charged a monthly base fee as determined by the City Council. Residential premises exempt from a City-issued container are:

    a. Apartment Units

    b. Vacant Homes
        i. Homes for Sale

        ii. Extended Leave of Absence

    Vacant homes will be exempted upon returning the City-issued container and paying an administrative service fee.

2. The monthly fee to be charged and collected from each owner of a "commercial premise" as defined in Section 69.2 shall be dependent on the quantity, type of refuse, pickup location, and frequency of collection.

3. Commercial premises without a City-issued container shall be charged a monthly base fee as determined by the City Council.

4. The charges or fees shall be in payment for the collection and disposal of solid waste. The charges shall be billed on a monthly basis and shall be collected through the office of the Finance Director at the same time and in the same manner as the municipal utility's bills are collected.

    There shall be assessed a monthly delinquency penalty of one and a half percent (1.5%) for all solid waste fees not paid to the City in accordance with the payment procedure as set forth in the Waverly Municipal Utility Tariff.

5. Commercial premises receiving service from private haulers under Section 69.8 shall pay disposal and service fees to the private hauler. Fees shall be as follows:

    a. Disposal Fee - Shall be a fee based on volume or weight tickets issued at the Landfill.

6. Solid Waste Collection Service Charges:

CITY OF WAVERLY
DUMPSTER & REFUSE CHARGES
AS OF JULY 1, 2023
ORDINANCE NUMBER 1118

		Rates
Garbage Tag	Per 33 gallons of garbage and/or 50 lbs max.	$ 2.50
RAR35	35-gal Fee (bi-weekly city recycling container)	$ 3.50
RAR65	65-gal Fee (bi-weekly city recycling container)	$ 3.50
RAR95	95-gal Fee (bi-weekly city recycling container)	$ 5.55
RA01	Base Rate	$ 11.00
RA35SM	35-gal Fee (bi-weekly city refuse container, tag required for extra garbage)	$ 14.55
RA35	35-gal Fee (city refuse container, tag required for extra garbage)	$ 18.00
RA65	65-gal Fee (city refuse container, tag required for extra garbage)	$ 27.20

PERMANENT DUMPSTERS:

Accounting Code	Dumpster Size	*Monthly Dumpster Fee	**Monthly Volume Charges	***Monthly Trip Fees	New 2023 Monthly Rate	Previous Monthly Rate	Change
1 Time / week pickup:							
R0.5C1	0.5 cy	$ 5.00	$ 13.00	$ 21.67	**$ 39.67**	$35.10	$ 4.57
R2CY1	2 cy	$ 12.50	$ 52.00	$ 21.67	**$ 86.17**	$97.80	$ (11.63)
R4CY1	4 cy	$ 14.50	$ 104.00	$ 21.67	**$ 140.17**	$138.60	$ 1.57
R6CY1	6 cy	$ 16.50	$ 156.00	$ 21.67	**$ 194.17**	$179.40	$ 14.77
2 Times / week pickup:							
R0.5C2	0.5 cy	$ 5.00	$ 26.00	$ 43.33	**$ 74.33**	$59.10	$ 15.23
R2CY2	2 cy	$ 12.50	$ 104.00	$ 43.33	**$ 159.83**	$138.60	$ 21.23
R4CY2	4 cy	$ 14.50	$ 208.00	$ 43.33	**$ 265.83**	$265.20	$ 0.63
R6CY2	6 cy	$ 16.50	$ 312.00	$ 43.33	**$ 371.83**	$351.80	$ 20.03
3 Times / week pickup:							
R2CY3	2 cy	$ 12.50	$ 156.00	$ 65.00	**$ 233.50**	$179.40	$ 54.10
R4CY3	4 cy	$ 14.50	$ 312.00	$ 65.00	**$ 391.50**	$391.80	$ (0.30)
R6CY3	6 cy	$ 16.50	$ 468.00	$ 65.00	**$ 549.50**	$519.20	$ 30.30
4 Times / week pickup:							
R2CY4	2 cy	$ 12.50	$ 208.00	$ 86.67	**$ 307.17**	$265.20	$ 41.97
R4CY4	4 cy	$ 14.50	$ 416.00	$ 86.67	**$ 517.17**	$518.40	$ (1.23)
R6CY4	6 cy	$ 16.50	$ 624.00	$ 86.67	**$ 727.17**	$686.60	$ 40.57
5 Times / week pickup:							
R2CY5	2 cy	$ 12.50	$ 260.00	$ 108.33	**$ 380.83**	$316.00	$ 64.83
R4CY5	4 cy	$ 14.50	$ 520.00	$ 108.33	**$ 642.83**	$645.00	$ (2.17)
R6CY5	6 cy	$ 16.50	$ 780.00	$ 108.33	**$ 904.83**	$854.00	$ 50.83

*Fee based on the size of dumpster.
**Volume of the dumpster multiplied by the number of times emptied per week, multiplied by 52 (weeks per year) divided by 12 multiplied by $6 (CY fee) to give monthly rate
***Number of scheduled trips per week multiplied by 52 (weeks per year) divided by 12 multiplied by $5 (trip fee) to give monthly rate.

CITY OF WAVERLY
DUMPSTER & REFUSE CHARGES
AS OF JULY 1, 2023
ORDINANCE NUMBER 1118

Yard waste brush, trees and logs shall be accepted only from residents of the City of Waverly and commercial haulers serving Waverly residents. The following fees will apply to commercial haulers only:

Brush and small trees	$ 2.50	/cy
Trees/Logs > 12-inches dia	$ 4.00	/cy

Special or extra pickups and temporary dumpsters shall be billed as follows:

	Rate	
Drop-Off Charge	$ 25.00	
Trip Charge	$ 25.00	
Regular Material	$ 20.00	/cy
Shingles	$ 100.00	/cy

DUMPSTER RENTAL & CORRUGATION CARDBOARD:

			New 2023 Rate	Previous Monthly Rate
RA 14	2 cy	Rental Only	$ 12.50	$ 8.25
RA 15	4 cy	Rental Only	$ 14.50	$ 14.50
RA 16	6 cy	Rental Only	$ 16.50	$ 16.50
RA 18	Loose Corrugation	1 day / week	$ 21.67	$ 19.00
R2CY1C	2 cy Corrugation	1 day / week	$ 34.17	$ 24.00
R4CY1C	4 cy Corrugation	1 day / week	$ 36.17	$ 48.00
R6CY1C	6 cy Corrugation	1 day / week	$ 38.17	$ 72.00
RA 21	Loose Corrugation	2 days / week	$ 43.33	$ 36.00
R2CY2C	2 cy Corrugation	2 days / week	$ 55.83	$ 48.00
R4CY2C	4 cy Corrugation	2 days / week	$ 57.83	$ 96.00
R6CY2C	6 cy Corrugation	2 days / week	$ 59.83	$ 144.00

(Ordinance 1118 03/28/2023)

(Ordinance 1162 passed 03-03-2025; Published 03-11-2025)

CITY OF WAVERLY
DUMPSTER & REFUSE CHARGES
AS OF JULY 1, 2025
ORDINANCE NUMBER 1162
Rate changes effective July 1, 2025 and July 1, 2026

RESIDENTIAL GARBAGE & RECYCLING RATES:

		Existing Monthly Rates	*New 2025 Monthly Rates*	*New 2026 Monthly Rates*
Garbage Tag	Per 33 gallons of garbage and/or 50 lbs max.	$ 2.50	$ 2.50	$ 2.50
RAR35	35-gal Fee (bi-weekly city recycling container)	$ 3.50	$ 4.25	$ 5.00
RAR65	65-gal Fee (bi-weekly city recycling container)	$ 3.50	$ 4.25	$ 5.00
RAR95	95-gal Fee (bi-weekly city recycling container)	$ 5.55	$ 6.30	$ 7.05
RA01	Base Rate	$ 11.00	$ 11.00	$ 11.00
RA35SM	35-gal Fee (bi-weekly city refuse container, tag required for extra garbage)	$ 14.55	$ 14.55	$ 14.55
RA35	35-gal Fee (city refuse container, tag required for extra garbage)	$ 18.00	$ 18.00	$ 18.00
RA65	65-gal Fee (city refuse container, tag required for extra garbage)	$ 27.20	$ 27.20	$ 27.20
R0.5C1	95-gal Fee (city refuse container, tag required for extra garbage)	$ 39.67	$ 39.67	$ 39.67
R0.5C2	95-gal Fee serviced 2xweek (city refuse container, tag required for extra garbage)	$ 74.33	$ 74.33	$ 74.33

COMMERCIAL DUMPSTER RATES:

Accounting Code	Dumpster Size	Existing Monthly Rate	*Monthly Dumpster Fee	**Monthly Volume Charges	***Monthly Trip Fees	New 2025 Monthly Rate	*Monthly Dumpster Fee	**Monthly Volume Charges	***Monthly Trip Fees	New 2026 Monthly Rate
1 Time / week pickup:										
R2CY1	2 cy	$86.17	$ 12.50	$ 56.33	$ 21.67	**$ 90.50**	$ 12.50	$ 60.67	$ 21.67	$94.83
R4CY1	4 cy	$140.17	$ 14.50	$ 112.67	$ 21.67	**$ 148.83**	$ 14.50	$ 121.33	$ 21.67	$157.50
R6CY1	6 cy	$194.17	$ 16.50	$ 169.00	$ 21.67	**$ 207.17**	$ 16.50	$ 182.00	$ 21.67	$220.17
2 Times / week pickup:										
R2CY2	2 cy	$159.83	$ 12.50	$ 112.67	$ 43.33	**$ 168.50**	$ 12.50	$ 121.33	$ 43.33	$177.17
R4CY2	4 cy	$265.83	$ 14.50	$ 225.33	$ 43.33	**$ 283.17**	$ 14.50	$ 242.67	$ 43.33	$300.50
R6CY2	6 cy	$371.83	$ 16.50	$ 338.00	$ 43.33	**$ 397.83**	$ 16.50	$ 364.00	$ 43.33	$423.83
3 Times / week pickup:										
R2CY3	2 cy	$233.50	$ 12.50	$ 169.00	$ 65.00	**$ 246.50**	$ 12.50	$ 182.00	$ 65.00	$259.50
R4CY3	4 cy	$391.50	$ 14.50	$ 338.00	$ 65.00	**$ 417.50**	$ 14.50	$ 364.00	$ 65.00	$443.50
R6CY3	6 cy	$549.50	$ 16.50	$ 507.00	$ 65.00	**$ 588.50**	$ 16.50	$ 546.00	$ 65.00	$627.50
4 Times / week pickup:										
R2CY4	2 cy	$307.17	$ 12.50	$ 225.33	$ 86.67	**$ 324.50**	$ 12.50	$ 242.67	$ 86.67	$341.83
R4CY4	4 cy	$517.17	$ 14.50	$ 450.67	$ 86.67	**$ 551.83**	$ 14.50	$ 485.33	$ 86.67	$586.50
R6CY4	6 cy	$727.17	$ 16.50	$ 676.00	$ 86.67	**$ 779.17**	$ 16.50	$ 728.00	$ 86.67	$831.17
5 Times / week pickup:										
R2CY5	2 cy	$380.83	$ 12.50	$ 281.67	$ 108.33	**$ 402.50**	$ 12.50	$ 303.33	$ 108.33	$424.17
R4CY5	4 cy	$642.83	$ 14.50	$ 563.33	$ 108.33	**$ 686.17**	$ 14.50	$ 606.67	$ 108.33	$729.50
R6CY5	6 cy	$904.83	$ 16.50	$ 845.00	$ 108.33	**$ 969.83**	$ 16.50	$ 910.00	$ 108.33	$1,034.83

*Fee based on the size of dumpster.
**Volume of the dumpster multiplied by the number of times emptied per week, multiplied by 52 (weeks per year) divided by 12 multiplied by $6.50 (CY fee) to give monthly rate
***Number of scheduled trips per week multiplied by 52 (weeks per year) divided by 12 multiplied by $5 (trip fee) to give monthly rate.
**Volume of the dumpster multiplied by the number of times emptied per week, multiplied by 52 (weeks per year) divided by 12 multiplied by $7.00 (CY fee) to give monthly rate

Yard waste brush, trees and logs shall be accepted only from residents of the City of Waverly and commercial haulers serving Waverly residents. The following fees will apply to commercial haulers only:

Brush and small trees.....	$ 2.50	/cy
Trees/Logs > 12-inches dia.....	$ 4.00	/cy

Special or extra pickups and temporary dumpsters shall be billed as follows:

	Rate	
Drop-Off Charge.....	**$ 25.00**	
Trip Charge.....	**$ 25.00**	
Regular Material.....	**$ 20.00**	/cy
Shingles.....	**$ 100.00**	/cy

DUMPSTER RENTAL & CORRUGATION CARDBOARD:

			Existing Monthly Rate	New 2025 Rate	New 2026 Rate
RA 14	2 cy	Rental Only	$ 12.50	$ 12.50	$12.50
RA 15	4 cy	Rental Only	$ 14.50	$ 14.50	$14.50
RA 16	6 cy	Rental Only	$ 16.50	$ 16.50	$16.50
RA 18	Loose Corrugation	1 day / week	$ 21.67	$ 21.67	$21.67
R2CY1C	2 cy Corrugation	1 day / week	$ 34.17	$ 38.50	$42.84
R4CY1C	4 cy Corrugation	1 day / week	$ 36.17	$ 44.84	$53.50
R6CY1C	6 cy Corrugation	1 day / week	$ 38.17	$ 51.17	$64.17
RA 21	Loose Corrugation	2 days / week	$ 43.33	$ 43.33	$43.33

WHEREAS, the City reserves the right to increase or change the Solid Waste rates, rentals, and charges by Ordinance, without notice to the consumer, and at such times as the Council may deem proper, however, such charges are not to be retroactive.
(Ordinance 1162 passed 03-03-2025; Published 03-11-2025)

SEC. 69.12 COLLECTION SERVICE CHARGES--EXEMPTIONS FOR STORAGE BUILDINGS. Buildings used solely for storage even though having separate electric or water utility connections may be exempted from solid waste collection charge upon the owner or renter of said premise filing an affidavit with the City certifying that the premise is used only for storage purposes and does not generate any solid waste. After the discontinuance of solid waste collection charges with this certification, any premise found to be generating solid waste or any such owner or renter found to be in violation of any State or City regulations regarding the disposal of solid waste shall be billed retroactively for all monthly solid waste charges to the time that the certification was filed.

SEC. 69.13 COLLECTION SERVICE FEE PROVISIONS. The collection of solid waste as provided by this chapter and the maintenance of the availability of such services, whether or not such service is used regularly or at all by the owner of such premises, is declared a benefit to the premises at least equal to the monthly charges specified pursuant to this chapter and in case of failure to pay the monthly charge when billed, as heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by and for special assessments, and in accordance with the present State Code of Iowa.

SEC. 69.14 DELINQUENT ACCOUNTS--SPECIAL ASSESSMENT PROCEDURE.

1. At least annually the accounting department shall prepare a "delinquent list" of persons failing to pay the monthly charge required by this chapter, listing the premises for which the service was rendered and the amount due therefrom.

2. Resolutions shall thereupon be prepared assessing the delinquent charges to the properties so benefited. Such resolution, properly passed by the council, shall be certified as provided by law in cases of special assessments for collection in the same manner as general taxes.

3. In the case of the delinquency on the part of renters, lessors, etc., the accounting department shall pursue all legal avenues available to secure collection of delinquent solid waste fees, in accordance with and as provided for in this chapter.

SEC. 69.15 VIOLATION--PENALTY. Any person violating any of the provisions in this chapter, except those requiring the payment of fees for collection services, shall upon conviction be punished as provided in this code.

(Replaced Chapter 69 Amended by Ordinance 1012 – Published on 3/29/16)
(Amended Chapter 69 by Ordinance 1157; Passed on 12/02/2024 – Published on 12/10/2024)
(Amended Chapter 69 – Rates and Charges; by Ordinance 1162 Passed 03-03-2025; Published 03-11-2025)

CHAPTER 70

HAZARDOUS SUBSTANCES

Sections:

70.1 Purpose.
70.2 Definitions.
70.3 Clean Up Required.
70.4 Notifications.

SEC. 70.1 PURPOSE. In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within the city limits.

SEC. 70.2 DEFINITIONS. For the purpose of this chapter these words have the following meanings:

1. "Hazardous substance" means any substance as defined in the current Code of Iowa.

2. "Hazardous waste" means those wastes which are included by the definition in the current Code of Iowa.

3. "Hazardous condition" means the same as set out in the current Code of Iowa.

4. "Responsible person" means the party, whether the owner, agent, lessor, or tenant, in charge of the hazardous substance or hazardous wastes being stored, processed, or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any person or to the environment.

5. "Clean up" means the removal of the hazardous wastes or substances to a place where the waste will not cause any danger to persons or the environment, in accordance with state rules therefor or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor as far as practicable.

6. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, hazardous substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amendable for recovery, amendable for storage, or to reduce it in volume.

Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

SEC. 70.3 CLEAN UP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or 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 clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of clean up shall be borne by the responsible person. If the responsible person does not cause the clean up 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 clean up or that the city will proceed to procure clean up services and bill the responsible person. If the bill for those service is not paid within thirty (30) days the city attorney shall proceed to obtain payment by all legal means. If the cost of the clean up 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 clean up.

SEC. 70.4 NOTIFICATIONS. The first city officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the police department which shall notify the proper state office in the manner established by the state.

CHAPTER 71

OPEN BURNING

Sections:

71.1 Purpose
71.2 Definitions
71.3 Prohibitions
71.4 Exemptions
71.5 Permits
71.6 General Conditions
71.7 Limitations
71.8 Authority to Extinguish
71.9 Penalties

SEC. 71.1 PURPOSE. The purpose of this Ordinance is to reduce the danger to public health, safety, and welfare from uncontrolled open burning of materials within the City Limits by adoption of the following regulations.

SEC. 71.2 DEFINITIONS. For the purpose of this Ordinance these words shall have the following meanings:

1. "Person" includes any individual, firm, corporation, partnership, trust, or any other organized group.

2. "Combustible Material" is any material that will take fire and burn including, rubbish, trash, or discarded materials from commercial, industrial, domestic or agricultural operations or other normal community activities. "Combustible material" for the purpose of this Ordinance shall not include "yard wastes".

3. "Yard Wastes" means organic debris (e.g. grass clippings, leaves, tree limbs, bark branches, flowers, etc.) which is produced on the property as a part of yard and garden development and maintenance.

4. "Clean Dry Wood" is defined as tree limbs, bark, or branches that have been allowed to dry to a point where it is easily combustible without creating undue amounts of smoke plus other wood products free of glue, paint, varnish, stain, and preservatives.

5. "Recreational Fires" means fires for cooking, heating, camping, recreation or bonfires using clean dry wood or charcoal.

6. "Burn Barrel" means any barrel, drum, trash container, or other container not specifically designed to house a fire.

SEC. 71.3 PROHIBITIONS. No person shall allow, cause, or permit open burning of combustible materials or yard waste except as provided in the exemptions contained in this Ordinance. No person shall burn any material in a burn barrel.

SEC. 71.4 EXEMPTIONS. The following open burning of combustible materials and yard wastes shall be permitted:

1. Recreational fires no greater than four feet in diameter shall be permitted.

2. Prairie grass or wildflower areas that require annual burnoffs. These areas may be burned by permit following notification to the City. Each burn event requires a permit.

3. Burning of yard waste on lots over one-half acre by permit issued by the City of Waverly. A new permit is required prior to initial burning of yard waste and in the case of a change in property ownership or a change in size of parcel.

4. Burning by Government. Open burning of combustible material by the government unit for public benefit shall be permitted when supervised by the Fire Department.

5. Variances from rules. Any person wishing to conduct open burning of materials not exempted shall make written application delivered to the City Administrator or their designee for variance to allow burning of materials. Variance may be granted by the City Administrator or their designee only upon a finding of special or emergency circumstances. If variance is granted a permit shall be issued specifying the time and manner in which the burning shall be allowed.

SEC. 71.5 PERMITS. Permits allowing open burning of yard wastes as provided by this Ordinance shall be issued by the Waverly Zoning Office except for emergency permits issued by the City Administrator or their designee. Applications for burn permits shall be available at the Zoning Office or the City Clerk's Office. Copies of all permits shall be provided to the Police Department and Fire Department. Three types of permits shall be available:

1. Permits authorizing burning yard wastes on lots over one-half acre.

2. Permits authorizing burning prairie grass or wild flower areas.

3. Permits authorizing emergency burns.

The fees for permits shall be established by resolution of the City Council.

Appeal from Administrative denial of a burn permit shall be made to the City Council.

SEC. 71.6 GENERAL CONDITIONS. (For Open Burning)

1. The Fire Chief, County or State may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous or a nuisance.

2. Attendance of Open Fires. Open fires shall be constantly attended by an adult person until such fire is extinguished. This person shall have a hose connected to the water supply, or other fire-extinguishing equipment readily available for use.

3. Authority to Investigate. The City shall have authority to enter onto private property to investigate and determine if violations of this Ordinance exist, or to extinguish fires as provided by Section 71.8 of this Ordinance.

4. Hours. Open burning may only be performed between the hours of 9:00 a.m. and sundown. At sundown, all fires must be completely extinguished so that no burning embers remain or smoke or gas emit there from. These time restrictions shall not apply to recreational fires.

SEC. 71.7 LIMITATIONS. Open burning of materials within the City shall be limited as follows:

1. Open burning of materials shall not cause a nuisance as defined at Chapter 455B of the Iowa Code.

2. Open burning of materials shall not cause a nuisance as defined at Chapter 63 of the Waverly Municipal Code.

3. Open burning of materials except by a Government agency for public benefit shall not be conducted on City streets, alleys, or any other City property.

4. Open burning of materials shall not take place so close to any building or structure so as to constitute a danger to the building or structure.

5. Open burning of materials shall not be conducted when weather conditions including wind or dry conditions constitute a risk of spread of fire.

6. Open burning permits may be denied or revoked based on a violation of this Ordinance.

SEC. 71.8 AUTHORITY TO EXTINGUISH. The City of Waverly through its Public Works Department, Fire Department or Police Department is authorized to prohibit or immediately extinguish any open burning occurring within the City that is deemed by City Officials to violate prohibitions of this Ordinance or to constitute an emergency or a danger to the safety of persons or property within the City.

SEC. 71.9 PENALTIES. Violation of this Ordinance shall constitute a simple misdemeanor or a municipal infraction subjecting violators to appropriate criminal or civil penalties.

CHAPTER 72
URBAN CHICKENS

Sections:

72.1 Purpose.
72.2 Definitions.
72.3 Where Permitted.
72.4 Enclosure Requirements.
72.5 Number of Chickens Permitted.
72.6 Permit Requirements.

Sec. 72.1 Purpose. The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.

Sec. 72.2 Definitions. Definitions used in this chapter.

1. Chicken shall mean a member of the subspecies Gallus gallus domesticus, a domesticated fowl.
2. Urban chicken shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. Coop shall mean a cage, enclosure or building used for housing and protecting chickens from weather and predators.
4. Pen shall mean an enclosure for chickens which allows freedom of movement but also prevents escape.
5. Permittee shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

Sec. 72.3 Where Permitted. Notwithstanding the provisions of this section, the keeping of domestic chickens (sub species gallus gallus domesticus), except roosters, shall be permitted in single family residential properties so long as such keeping is in compliance with this subsection and all other applicable City ordinances. (Ordinance 1102 – Published on 5/24/22)

Sec. 72.4 Enclosure Requirements. The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:

1. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
2. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
3. The coop or fowl house must be used for chickens only and must be well ventilated.
4. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken. The coop, fowl house, or fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line. Chicken tractors shall be a minimum of ten (10) twenty-five (25) feet from any property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
5. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
6. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
7. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property.
8. All chicken feed shall be stored in rodent-proof containers.
9. All such chickens must be hens; no roosters are permitted.
10. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances. Any dead chicken shall be disposed of immediately upon discovering said dead chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
11. Slaughtering of chickens or selling of eggs are forbidden
12. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
13. A violation of this subsection is a municipal infraction as provided in this Code of Ordinances.

Sec. 72.5 Number of Chickens Permitted.

1. No more than four (4) chickens shall be kept or maintained per property at any time.

Sec. 72.6 Permit Requirements. No person shall keep any chickens unless they possess a City of Waverly permit issued by the City Administrator or their designee.

1. Fee. The fee for such permit shall be thirty ($30) dollars.
2. Permits will be granted for one (1) three (3) years valid from January 1 through until December 31 and shall not be pro-rated for partial year three years from the application year.

a. Permits may be purchased at any time during the year but will be valid only through December 31.
b. Property owner shall notify the City upon discontinuance of housing chickens.
    i. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
c. Fees shall not be refunded if the property owner removes the chickens from the premises.
d. The permit may be suspended or revoked by the City Administrator or their designee upon hearing and finding evidence that the permittee has violated the conditions of the permit and listed in this Section of the Code. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit. There will be no refund of the permit fee. All associated costs of removal of the chickens shall be assessed back to the property owner.
e. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

(Ordinance 975- Published on 02-17-14)

Chapter 73- Reserved

CHAPTER 74
WATERWORKS

Sections:

74.1 Establishment.
74.2 Service Application.
74.3 Utility Fund.
74.4 Sinking Fund.
74.5 Collection.
74.6 Penalty.
74.7 Refunds.
74.8 Permanent Disconnection.
74.9 Contract.
74.10 Disconnection.
74.11 Service Resumed.
74.12 Water/Excavation Permit.
74.13 Multiple Buildings.
74.14 Tapping.
74.15 Service Pipes.
74.16 General Plumbing.
74.17 Water Control.
74.18 Power and Authority for Inspection.
74.19 Enforcement.
74.20 Appeals.
74.21 Inspection.
74.22 License Revocation For Violation deleted.
74.23 Closed Fixtures.
74.24 Water Closets.
74.25 Repair.
74.26 Water Shutoff.
74.27 Inspection of Premises.
74.28 Emergency.
74.29 Hydrants.
74.30 Meters.
74.31 Water Service Charge.
74.32 Shallow Public Water Well.
74.33 Deep Public Water Well.
74.34 General Wells.
74.35 Public Water System vs. Private Water System.
74.36 Regulations Interpretation.
74.37 Acceptable Materials.
74.38 Leak Adjustment Policy.

SEC. 74.1 ESTABLISHMENT. The public works director shall supervise the supply, treatment, and distribution of water to the city, by directing an agency of the city known as the water division of the department of public works.

SEC. 74.2 SERVICE APPLICATION. No premises shall receive water service from the city unless the person serviced applies for such service. Refer to Sec. 74.12 WATER/EXCAVATION PERMIT.

SEC. 74.3 UTILITY FUND. The finance director shall maintain a fund to be known as the "water division utility fund". There shall be placed to the credit of that fund all monies accrued and on hand from water service charges. Additionally, all receipts and expenses incurred relative to the operation of the "water division enterprise" with the exception of Section 74.4 following.

SEC. 74.4 SINKING FUND. The finance director shall keep a fund hereafter known as the "water division sinking fund." There shall be admitted to the credit of said fund, all monies accrued and on hand specified therefore. It shall be the purpose of said fund to provide for payment of indebtedness, funded depreciation, and replacement of specified service-related appurtenances and utility equipment. The city council shall provide in each year's budget for monies transferable from the water division utility fund to the water division sinking fund amounts as reasonably determined to allow for the cash replacement and extension of said equipment and services required and to retire outstanding indebtedness.

SEC. 74.5 COLLECTION. The finance director or designee shall supervise the billing of charges for water service and the collection of payments for such service in a manner prescribed by the city council.

SEC. 74.6 PENALTY. If a payment is delinquent, a penalty charge shall be assessed against the person who is liable for the delinquency. The penalty charge shall not be more than one and one-half (1 1/2) percent of the monthly payment that is delinquent.

SEC. 74.7 REFUNDS. Waverly Municipal Code Section 74.7 "Refunds" pertaining to water service charges is repealed in its entirety. Ordinance No. 717

SEC. 74.8 PERMANENT DISCONNECTION. If the person seeks a permanent disconnection of service from the premises, the person must remove the water meter and cut and disconnect the service appropriately at the water main under the direction of the public works director and deliver such meter to the water division.

All water services that become obsolete because of the laying of new or larger services must be cut and shut off at the water main and reported to the water division. When a building is to be demolished or moved, eliminating the need for a water service, the water service must also be cut and disconnected at the water main. If plans are to rebuild on the property, the water service must be abandoned back to the curb stop. Acceptable means of disconnection include removing and plugging corporation stop at the main or shutting off the corporation stop and placing copper disc to plug the stop. Galvanized or lead services must be replaced or disconnected at the main.

SEC. 74.9 CONTRACT. The provisions of this chapter, including rules and water rates adopted pursuant to this chapter, shall be incorporated in a contract between the city and any person to whom the city shall furnish water service.

SEC. 74.10 DISCONNECTION. If any provision of this chapter, including rules and water rates adopted pursuant to this chapter, is violated, water service to the premise subject of the violation may be disconnected.

SEC. 74.11 SERVICE RESUMED. Upon correction of the violation, the water service may be resumed to the premise subject of the violation, if the director is satisfied that another violation will not occur. The director may set conditions for the resumption of services. The person who violates a provision shall pay the cost of discontinuing service and resuming service. The payment for the period that service was disconnected may be declared forfeited by the director.

SEC. 74.12 WATER/EXCAVATION PERMIT. A permit is required to create a new water service connection or to repair/adjust an existing water service or connection, including any work between the building and the water main (including any water main work). The permit application must be completed and submitted with a $25 application fee. After review of the application, a permit will be issued allowing work to proceed. All code requirements must be followed, and the work must be inspected as directed by the permit.
(Passed December 4, 2023 and Published January 9, 2024)

SEC. 74.13 MULTIPLE BUILDINGS. A tap or service pipe shall service only one building unless the following apply:

1. Application. If a tap or service pipe is to service more than one building, the owner of a building that may be serviced by such tap or pipe must apply to the city for a special permit. Attached to the application must be an agreement executed by all owners of buildings serviced by such taps or pipes. The terms of the agreement must specify the persons who will own the taps or pipes and how the taps or pipes will be maintained. Such agreement shall be recorded with the Bremer County Recorder. Upon being recorded the agreement shall run with the affected property or properties.

2. Director. The director must approve the application. An application shall not be approved unless the director determines that service to only one building from a tap or service pipe is impractical.

3. Curb-stops. There shall be installed on each branch of the applicable service pipe, a curb-stop that satisfies the requirements of Section 74.16.

4. Specifications. If a service pipe has a branch connection, such pipe shall be at least one (1) inch in diameter.

SEC. 74.14 TAPPING. The tap shall not be larger than one (1) inch, unless the tapping complies with the following:

1. Saddle & Corporation Stops. A saddle and corporation stop must be used for the following connections (refer to SEC. 74.37 for allowable fittings):

    a. One and a quarter (1 1/4) inch connections.

    b. One and a half (1 1/2) inch connections.

    c. Two (2) inch connections.

2. Valve & Sleeve Arrangement. A valve and sleeve arrangement must be used for the following connections:

   a. Four (4) inch connections.

   b. Six (6) inch connections.

   c. Eight (8) inch connections.

   d. Ten (10) inch connections.

   e. Twelve (12) inch connections.

3. Main Tapping. A main tap must be at least twelve (12) lineal inches from another such tap, horizontal, and staggered at least thirty (30) degrees from a point zero (0) degrees on a horizontal plane to a point seventy (70) degrees above such plane one side and/or from a point one hundred ten (110) degrees to one hundred eighty (180) degrees on the horizontal plane of the other side. A tap shall not be made within twelve (12) inches of the union/bell. Contractor must notify the public works office 24 hours prior to tapping water mains to allow inspection of the work.

SEC. 74.15 SERVICE PIPES.

1. Specifications. A service pipe must be not less than one inch in diameter. Such pipe must be a type K copper tube or CTS poly. (Refer to SEC. 74.37 Acceptable Materials for specifications)

2. Installation. A service pipe must be installed beneath the surface of the ground at a level where the main pipe is installed beneath a street. The service pipe must be installed to prevent rupture by freezing. A service pipe may service a lot, if the connection is made from the main located adjacent to the lot to be serviced. However, a service pipe shall not service a lot by crossing another lot.

3. Curb Stop. A curb stop must be installed on each service pipe. Installation of the curb stop must satisfy the following criteria (Refer to SEC. 74.37 Acceptable Materials for allowable fittings):

   a. Accessible. The person served by the service pipe must have ready access to the curb stop.

   b. Shutoff. The curb stop must function to allow water service to the property served by a water service pipe which could be shut off.

   c. Placement. A curb stop must be placed in the service pipe at least twelve (12) inches within the property line of the lot served by the service pipe. The curb stop must be protected by a box as detailed in the specifications sheet. The box must have a metal cover labeled with the letter "W" or the word "water" which is clearly visible and at pavement or ground level or higher. (Refer to SEC. 74.37 Acceptable Materials for allowable fittings)

4. Maintenance.

   a. Owner. A person who owns the premises where buried pipes, including service pipes, connections, curbstops, corporation stops, service valves, and meter valves are located shall maintain such pipes, if the premises are served by such pipes. The person must ensure the safety and efficient operation of the pipes, prevent rupture from freezing, and prevent obstructions in the pipes and leakage from the pipes.

   b. Service leaks. All water leaks on the service pipe or interior building pipes will be the responsibility of the owner to repair. Leaks shall be repaired as soon as possible, but within 14 days. If not repaired promptly, the city shall, after written notice to the owner, turn off the water until such repairs have been made. If the water cannot be turned off, or there are public safety concerns, or excessive water loss which in the opinion of the director constitutes an emergency requiring repair in under 72 hours, the city will hire a private contractor to complete the repairs and assess the cost to the property owner. If the leak is determined to be the water main, the city shall pay for costs incurred.

   c. City. If the public works director determines that any buried pipe, including service pipes, connections and curbstops, does not comply with a provision of this chapter the director may order that the owner of the pipe repair or replace such pipe. Also, the director shall have the authority to order unsafe piping repaired adjacent to and attached to the water meter.

5. Liability. The city or a city employee acting within the scope of employment shall not be liable for damage resulting from work performed on buried pipes or from any discontinuance of water service, if the following apply:

   a. Necessity. The action by the city was performed in the course of installing or repairing service facilities, or an emergency required such work or discontinuance of service; and

   b. Negligence. The damage or discontinuance was not the direct result of negligence by the city.

6. Backflow Prevention. The city defers to the Bremer County Building, Zoning and Sanitation department for backflow prevention requirements.

SEC. 74.16 GENERAL PLUMBING. If the connection/stub that was put in with the installation of the water main is not suitable for the needs of the property, a new tap may be approved by the director. The property owner will be liable for the unused connection/stub.

SEC. 74.17 WATER CONTROL. The water system shall be under the direct supervision of the director who shall regularly report to the administrator on matters pertaining to the water system. The director may authorize any qualified person to inspect or perform work specified in this section.

SEC. 74.18 POWERS AND AUTHORITY FOR INSPECTION.

1. Access to Private Property.

    a. General. Any person authorized by the director may enter any premises to inspect, observe, measure, sample or test water. However, if the owner or occupant of the premises objects to inspection, the inspector shall enter the premises only after obtaining a warrant from a magistrate.

    b. Police Department. The police department shall cooperate with the director to enforce this section.

    c. Limitations. The inspector shall not have any authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having a direct bearing on the kind and source of use to the public water works.

2. Easement Access. An authorized inspector or worker after bearing proper credentials and identification to the owner or occupant of the premises, shall enter the private premises to inspect, observe, measure, sample, install, repair or maintain any part of the water works that are located within an easement held by the city. Entry and any inspection or work within the easement shall comply with the terms of the easement.

3. Liability.

    a. Duty of Care. While performing inspections or work on the premises, the inspector or worker shall observe all applicable rules established by the owner or occupant.

    b. Harmless. An owner or occupant of a premise shall be held harmless for injury or death to an inspector or worker performing on the premises.

    c. Indemnify. The city shall indemnify the owner or occupant for the loss or damage to property or for personal injury or death caused by the inspector or worker acting within the scope of the worker's or inspector's authority. However, if the negligence of the owner or occupant caused the loss, damage, injury or death, this paragraph shall not apply.

SEC. 74.19 ENFORCEMENT.

1. Notice to Correct. A person found to be in violation of any provision of this chapter shall be served a written notice by the city stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. Such notice may be delivered personally with written receipt returned or by certified mail. If delivered by certified mail, receipt shall be deemed given when mailed. The offender shall, within the period of time stated in the notice, permanently cease all specified violations.

2. Penalty. A violation of this chapter is a simple misdemeanor. Additionally, a person found to be in violation shall also be liable to the city for any damage, loss, cost or expense resulting from such violation.

3. Nuisance. A violation of this chapter shall be a nuisance. The person notified of the violation shall be notified of a right to a hearing before the council, as provided in this code. After the hearing or opportunity for hearing the council may order any of the following:

   a. Correction. Any necessary measure to correct and abate the violation shall be completed by the owner in violation, or the administrator may be authorized to complete the necessary work.

   b. Discontinuance. The water service to the premises where the violation occurs shall be discontinued. If the violation creates an immediate hazard to the operation of water works facilities or to any property or person, or if the violation is contrary to a condition of the applicable IDNR permit, the administrator may perform measures to abate the situation without notice or hearing.

   c. Assessment. The cost of repairing or replacing any water line and associated administrative costs (including but not limited to certified mail expenses) shall be assessed against the person found to have violated this chapter. Damages to public or private property, including loss of production, shall be assessed against the property where the violation occurred.

   d. Collection. Any amount due to the city arising from a violation, shall be collected by the city. A lien may be assessed against the property where the violation occurred, and shall be levied and collected with property taxes. The city may alternatively obtain a judgment and execute a judgment for the amount to be collected, including user charges, from the person incurring the liability for the payment of such charges.

SEC. 74.20 APPEALS. If a decision, determination, or order is made against a person, or compels a person to act, under authority of this chapter, the person may appeal pursuant to the following procedure:

1. Appointment. The parties shall each appoint one engineer licensed pursuant to the Code of Iowa. An appointed engineer shall not be an employee of either party.

2. Investigation. Two professional engineers shall review the complaint, the decision of the administrator, all evidence used in the determination, and conduct an independent investigation of the case.

3. Report. Upon completion of the investigation, the engineers shall report to the council, recommending that the decision of the administrator be in part or in whole affirmed, modified or reversed. The report shall be submitted to the clerk. The clerk shall file the report and deliver a copy to the administrator, the other party, and the council.

4. Third Engineer. If the engineers cannot concur in a recommendation, they shall appoint a third engineer licensed pursuant to the current Code of Iowa. A majority of the engineers shall report to the council in the manner prescribed in this subsection.

5. Final Decision. The council shall hear the case within a month following the report being submitted to the clerk. The decision shall be in writing and delivered to the clerk within two months after the council hears the case. The clerk shall file the decision and deliver a copy to the administrator and the other party.

6. Fees. The fees of an engineer for performing services under this subsection shall be paid by the party appointing such engineer. If the appointment of a third engineer is required, the fees of such engineer shall be equally divided by both parties.

SEC. 74.21 INSPECTION. Upon the completion of any work performed on buried water facilities, the public works department shall be notified of the completion by the owner of the property where the work is performed. The director must supervise the inspection of the completed work and the work shall be exposed and accessible until the director approves the work.

SEC. 74.22 LICENSE REVOCATION FOR VIOLATION. Deleted (Ordinance 1133; adopted 12/04/2023; Published 01/09/2024).

SEC. 74.23 CLOSED FIXTURES. A person shall not release water from any fixture, including any faucet, hydrant, tap, hose, water closet, urinal or bath, unless such person is the owner of the fixture or uses the fixture with the implied or express consent of the owner.

SEC. 74.24 WATER CLOSETS. A functioning water closet must be self-closing.

SEC. 74.25 REPAIR. The owner of fixtures shall maintain such fixtures to ensure that such fixtures function safely and efficiently.

SEC. 74.26 WATER SHUTOFF. The right is expressly reserved to the city to shut off the supply of water at any time and without notice, any permit granted or regulations to the contrary notwithstanding. No claim shall be made against the city by reason of any breakage or for any interruption of the supply.

SEC. 74.27 INSPECTION OF PREMISES. Public works department personnel or other persons designated by the city council may enter any building or premises of any person, firm or corporation taking water for the purpose of inspecting the buildings or premises, provided that said officials comply with the right of entry procedures outlined in Chapter 5.2 of this code. In case an unsatisfactory condition is found, the public works director may leave notice thereof, and if such condition is not remedied within forty-eight (48) hours thereafter

the water shall be shut off and shall not be turned on again until such condition has been remedied and the other conditions of this chapter complied with; but nothing herein shall be construed to entitle the consumer to such forty-eight (48) hours or any other notice.

SEC. 74.28 EMERGENCY.

1. Declaration. If the city administrator determines, upon good cause, that an emergency exists and that it is necessary to conserve water, or ensure a certain supply of water, because of the emergency, the administrator may place necessary conditions on all water use in the city, by executing an emergency declaration in writing. The declaration shall be posted or published as any other notice provided in this chapter.

2. Penalty. A person who uses water in violation of an emergency declaration shall be guilty of a simple misdemeanor.

SEC. 74.29 HYDRANTS.

1. Authorization. All hydrants used for extinguishing fires are public hydrants unless served by a separate fire main not owned by the city. A person shall not use, interfere, tamper or open such a hydrant, unless the person is a member of the fire department acting under the authority of the fire chief or the person is acting under the authority of the public works director.

2. Use. A person authorized to use a hydrant, shall perform such acts in a manner prescribed by the fire chief or the director.

3. Interference. No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, well, machinery, apparatus, fixture, attachment or appurtenance of the waterworks of the city, or any public or private hydrant or water curbstop, meter, water supply or service pipe, or any part thereof, nor shall any person deposit anything in any curbstop box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the permission of the city council, except in cases here or otherwise regulated by ordinance of the city.

SEC. 74.30 METERS. (Amended by Ordinance 1133, Published 01/09/2024)

1. Requirements. Water meters shall measure any consumption of water on a premises, if the water derives from the city water system. However, this subsection does not apply if the person served by the water system has contracted with the city for a water supply upon terms and for a rate specified in the contract.

2. Ownership. All residential, commercial, and industrial meters shall be purchased and maintained by the city.

3. Reading.

    a. General. All water meters shall be read not less than once each month, unless a consumer of the water service requests an additional reading on another date.

    b. Other Conditions. If a meter cannot be practically read the usage shall be estimated for that month.

    c. Damage. If a meter cannot be read because the meter is damaged, the water usage for the premises shall be considered the average usage calculated for the premises. If a person receiving service from the city has damaged the meter by tampering or by neglecting to protect the meter from natural elements, including frost, the person shall be liable for the cost to repair or replace the meter before the next regular reading.

d. Leakage. The reading of a meter shall not be modified to reflect the leakage of water that occurs after water has passed through such meter.

e. Combined. The reading from one meter shall not be combined with the reading of another meter unless approved by public works.

4. Irrigation or second water meters. A second water meter may be purchased from the city to measure water used that does not reach the sanitary sewer. This meter must be installed by a plumber, separately parallel to the first water meter with valving to isolate meter for removal. Installation of the second meter will be inspected by the city prior to use. Consumption is billed monthly with no minimum charge.

5. Hose bib meters. A hose bib meter may be rented from the city for temporary outside water usage when water will not enter the sanitary sewer system. Rental period will not exceed one month unless approved by the director. The fee for one month rental will be $25. Regular water fees will apply to water used through the meter.

6. Meter pits. Upon approval of the director, customers may have the meters installed outside the building in a meter pit or vault constructed according to specifications approved by the director. The customer will be responsible for all construction and maintenance costs of the pit or vault.

7. Installation. All meters must be installed with valving before and after the meter to allow for removal. No meters shall be installed without a permanent source of heat.

8. Water meters 2” and larger are required to have a meter bypass installed. This bypass will allow for continuous operation when the meter is out for service or testing. Valves must be installed on either side of the meter to allow for removal. These installations must be approved by the Director.

9. Leak Adjustment Policy. Refer to SEC. 74.38.

SEC 74.31 WATER SERVICE CHARGE
(Ordinance 1117 adopted by City Council on 3/20/23)

ORDINANCE NO. 1117

An Ordinance Amending the Water Rates and Minimum Charges for Water Usage.

WHEREAS, the City Council has determined that increases in the City's water rates and minimum charges for water usage are necessary to meet the ongoing operating and capital needs of the City water enterprise.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Waverly, Iowa, that Section 74.31.1 of the Waverly Municipal Code of Ordinances pertaining to Water Service Charges is deleted and the following section 74.31.1 substituted therefore:

EFFECTIVE JUNE 2023 (3% increase)

Charges shall be reflected on the utility bills for meters read in June 2023, and thereafter.

A. Water Rates

For the first 1,000 cubic feet (100%)	$	4.86 per 100 cubic feet
For the next 4,000 cubic feet (80%)		3.89 per 100 cubic feet
For the next 5,000 cubic feet (65%)		3.16 per 100 cubic feet
For all over 10,000 cubic feet (50%)		2.43 per 100 cubic feet

The above rates are based on monthly consumption of water. It is expressly provided, however, that each and every building, tenant, premises or each and every separate service connected with the water system shall be charged and shall pay monthly for the use of water measured and registered by meter, a minimum rate as follows:

B. Minimum Charges

For ⅝-inch and ¾-inch meters	$	11.91 per month
1-inch and 1½-inch meters		14.84 per month
2-inch meters		51.80 per month
3-inch meters		79.30 per month
4-inch meters		134.53 per month
6-inch meters		318.13 per month

EFFECTIVE JUNE 2024 (3% increase)

Charges shall be reflected on the utility bills for meters read in June 2024, and thereafter.

A. Water Rates

For the first 1,000 cubic feet (100%)	$	5.01 per 100 cubic feet
For the next 4,000 cubic feet (80%)		4.01 per 100 cubic feet
For the next 5,000 cubic feet (65%)		3.25 per 100 cubic feet
For all over 10,000 cubic feet (50%)		2.50 per 100 cubic feet

The above rates are based on monthly consumption of water. It is expressly provided, however, that each and every building, tenant, premises or each and every separate service connected with the water system shall be charged and shall pay monthly for the use of water measured and registered by meter, a minimum rate as follows:

B. Minimum Charges

For ⅝-inch and ¾-inch meters	$	12.27 per month
1-inch and 1½-inch meters		15.29 per month
2-inch meters		53.36 per month
3-inch meters		81.68 per month
4-inch meters		138.57 per month
6-inch meters		327.67 per month

The minimum rate paid shall entitle each consumer of water registered and measured by meter to use two hundred forty-five (245) cubic feet of water during the month. The minimum rate, as provided for in Section B above, shall be applied in payment of the water consumed as measured and registered by the meter during the month for which the minimum charge is made, according to the rates and rents established in Section A above, provided always that no rebate shall be allowed if the consumption of water does not reach two hundred forty-five (245) cubic feet for that month.

C. Taxes

The present Iowa sales tax is excluded in the rate established in Section A above. Should other taxes be levied, then the rate established in Section A may be adjusted to include any additional tax burden upon the City occasioned thereby.

The City reserves the right to increase or change the water rates, rentals, and charges, without notice to the consumer, and at such times as the Council may deem proper, such charges, however, not to be retroactive.

All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

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.

This ordinance shall be in effect from and after the passage and publication as required by law.

The city reserves the right to increase or change the water rates, rental fees, and charges, without notice to the consumer at such times as the council may deem proper. Such charges shall not to be retroactive.

1. Collection of Charges.

    a. Monthly Billing. Water fees shall be billed and collected through a contract with Waverly Utilities. Fees are based on the scheduled water rates adopted by council resolution.

b. Delinquency. Payment for water service must be paid to the city not later than the fifteenth day of each month. If a payment is delinquent a charge not greater than one and one half (1 1/2) % the delinquent debt shall be assessed as penalty against the customer. If payment and penalty charges are not received by the city within twelve days after the bill became delinquent the public works director shall disconnect service to the customer after written notification from the finance director. However, the discontinuance shall not violate any rule prescribed by the Iowa Commerce Commission.

c. Continuance. Upon delinquency, service shall be continued if the customer applies to the city for a continuance and the city is satisfied that the bill and penalty will be paid. The council may require water service be continued upon conditions stated by the council.

2. Hydrants. The user of a hydrant or sprinklers connected to the city water system shall be charged for such use pursuant to council resolution which shall be filed with the clerk and available for public inspection.

3. Hook Up Fee. Deleted per Ordinance 765

SEC. 74.32 SHALLOW PUBLIC WATER WELL. Location of potential source of contamination. No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth, from a shallow public well within the City of Waverly, Iowa.

1. Well house floor drains - 5 feet.

2. Water treatment plant wastes - 50 feet.

3. Sanitary and industrial discharges - 400 feet.

4. Floor drains from pump house to surface - none within five (5) feet.

   a. 5-10 feet water main materials enclosed in concrete permitted;

   b. 10-25 feet must be water main material;

   c. 25-75 feet must be watertight sewer pipe.

5. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:

   a. None permitted within 25 feet.

   b. If closer than 75 feet, must be water main material.

   c. If between 75 and 200 feet, must be watertight sewer pipe.

6. Force mains:

    a. None permitted within 75 feet.

    b. If within 400 feet, must be water main materials.

    c. If between 400 and 1,000 feet, must be watertight sewer pipe.

7. Land application of solid waste - 200 feet.

8. Irrigation of waste water - 200 feet.

9. Concrete vaults and septic tanks - 200 feet.

10. Mechanical waste water treatment plants - 400 feet.

11. Cesspools and earth pit privies - 400 feet.

12. Soil absorption fields - 400 feet.

13. Lagoons - 1,000 feet.

14. Chemical application to ground surface - 200 feet. Above ground storage - 200 feet; and on or underground storage - 400 feet.

15. Animal pasturage - 50 feet.

16. Animal enclosure - 200 feet.

17. Animal wastes:

    a. Land application of solids - 200 feet.

    b. Land application of liquid or slurry - 200 feet.

    c. Storage tank - 200 feet.

    d. Solids stockpile - 400 feet.

    e. Storage basin or lagoon - 1,000 feet.

18. Earthen silage storage trench or pit - 200 feet.

19. Basements, pits, sumps - 10 feet.

20. Flowing streams or other surface water bodies - 50 feet.

21. Cisterns - 100 feet.

22. Cemeteries - 200 feet.

23. Private wells - 400 feet.

24. Solid waste disposal sites - 1000 feet.

SEC. 74.33 DEEP PUBLIC WATER WELL. Location of potential source of contamination. No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth, from a deep public well within the City of Waverly, Iowa.

1. Well house floor drains - 5 feet.

2. Water treatment plant wastes - 50 feet.

3. Sanitary and industrial discharges - 400 feet.

4. Floor drains from pump house to surface - none within five (5) feet.

    a. 5-10 feet water main materials enclosed in concrete permitted;

    b. 10-25 feet must be water main material;

    c. 25-75 feet must be watertight sewer pipe.

5. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:

    a. None permitted within 25 feet.

    b. If closer than 75 feet, must be water main material;

    c. If between 75 and 200 feet, must be watertight sewer pipe.

6. Force mains:

    a. None permitted within 75 feet.

    b. If within 400 feet, must be water main materials.

    c. If between 400 and 1,000 feet, must be a watertight sewer pipe.

7. Land application of solid waste - 100 feet.

8. Irrigation of wastewater - 100 feet.

9. Concrete vaults and septic tanks - 100 feet.

10. Mechanical wastewater treatment plants - 200 feet.

11. Cesspools and earth pit privies - 200 feet.

12. Soil absorption fields - 200 feet.

13. Lagoons - 400 feet.

14. Chemical application to ground surface - 100 feet. Above ground storage - 100 feet; and on or underground storage - 200 feet.

15. Animal pasturage - 50 feet.

16. Animal enclosure - 100 feet.

17. Animal wastes.

    a. Land application of solids - 100 feet.

    b. Land applications of liquid or slurry - 100 feet.

    c. Storage tank - 100 feet.

    d. Solids stockpile - 200 feet.

    e. Storage basin or lagoon - 400 feet.

18. Earthen silage storage trench or pit - 100 feet.

19. Basements, pits, sumps - 10 feet.
20. Flowing streams or other surface water bodies - 50 feet.

21. Cisterns - 50 feet.

22. Cemeteries - 200 feet.

23. Private wells - 200 feet.

24. Solid waste disposal sites - 1,000 feet.

SEC. 74.34 GENERAL WELLS. Proscriptions as set forth herein shall apply to all public water wells existing within the City of Waverly, except public water wells formerly abandoned for use by resolution of the city council.

1. The director shall designate each water well within the City of Waverly as being a "shallow well" or "deep well" for the purposes of this section. Such designation shall conform to the United States Environmental Protection Agency (E.P.A.) or Iowa Department of Natural Resources (D.N.R.) regulations.

2. The use of structures or facilities existing at the time of enactment of this section may be continued even though such use may not conform with the regulations of this section. However, such structure or facility may not be enlarged, extended, reconstructed, or substituted subsequent to adoption.

SEC. 74.35 PUBLIC WATER SYSTEM VS. PRIVATE WATER SYSTEMS. To protect the public water system of the City of Waverly from potential sources of contamination and to protect the integrity of the system and the public's investments in the same.

1. Cross-connections between the city water system and private water systems are prohibited.

2. A person or property located within 200 feet of the city water system is prohibited from thereafter installing a private well to provide potable water. A person is prohibited from connecting any existing city water line to a private well for the purpose of offering a potable water supply.

3. Once a person or property has connected to the city water system that person or property is prohibited from disconnecting from the system or reconnecting to a private system. This section shall not prohibit the city from disconnecting a service for a non-payment.

SEC. 74.36 REGULATIONS INTERPRETATION. The director or such other official or body as shall have charge of water leasing, collection of rentals and the fixing of rates under this chapter shall decide all questions as to the meaning of any particular provision or term of this chapter, and their interpretation of any of the provisions, terms, or rates therein contained shall be final and binding upon the party using the city water. The city council may, however, either on appeal or on its own motion, at any time alter or revoke the director or other official's or body's interpretation.

SEC. 74.37 ACCEPTABLE MATERIALS. The materials listed below are to be used in either new installations or repairs. All water main and services shall be installed in accordance with AWWA standards. All materials must comply with the requirements and standards of the Reduction of Lead in Drinking Water Act. Material submittals must be received with the water/excavation permit application.

1. Watermain. Ductile class 52 with poly wrap typical, with director prior approval C-900 is permissible with tracer wire taped every two feet, tracer stations located at hydrants with tracer wire interconnected throughout the installation. All fittings must be ductile iron. Thrust restraint joints and fittings are required.

2. Service lines. 1” type “K” copper typical, with director prior approval 1” CTS poly (250 PSI) is permissible with tracer wire. Tracer wire must be installed on the outside of the curb box with

accommodations made to be continued from the curb stop to the house. CTS poly must have stainless steel inserts, the use of compression fittings are required. No barbed fittings are allowed.

3. Hydrants. Mueller, Waterous or Clow are acceptable manufacturers being yellow in color, with two 2 ½" nozzles and one 4" nozzle. Hydrants legs are required to be 6 inches. An auxiliary valve must be installed in line with the hydrant.

4. Corporation stop. Mueller H150082100-N, AY 74701B-22, or similar approved by the director.

5. Curb stops. Mueller P-25209N, AY 76100-22, or similar approved by the director.

6. Curb stop boxes. Small arch base (AY 5601) with two-hole erie cap, stainless steel rod (AY 5660SS) and pin.

7. Valves. All valves 2 inch or larger shall be resilient seat gate valves in accordance with AWWA Standard C509.

SEC. 74.38 LEAK ADJUSTMENT POLICY.

1. Introduction: The purpose of this policy is to assist residential customers with unexpected water/sewer bill increases caused by water leaks. This policy will help the city reduce water waste and maintain a sustainable economically viable water and sewer system.

2. Statement of Responsibility: It is the customer's responsibility to avoid, identify, and repair all water leaks on or within their property. The city will not reimburse for increased water and sewer charges that result from customer negligence, which includes but is not limited to insufficient heat or the lack of power. The city is not liable for increased costs or damages caused by a water leak on the customer's property. The city grants bill adjustments based on merit and does not discriminate on the basis of sex, gender, age, race, ethnicity, religion, or place of origin.

3. Qualifications for Residential Water and Sewer Adjustments: The following criteria must be met in order to qualify for an adjustment:

    a) Customer has not been issued a high water adjustment in the past five years. The customer is the utility account holder. Others living at the address or having an interest in the address (including landlords, customers' roommates, family members, and others living in the same dwelling) are not eligible to apply for an adjustment.

    b) Customer has identified a leak on the property and has communicated knowledge of the leak with the city. Ways to identify a leak:
        - Customer notices a significant increase on their Waverly Utilities bill, specifically the water and sewer charges.
        - Customer has knowledge of a leak.
        - City of Waverly or Waverly Utilities notifies the customer of a potential leak via phone, email, in person, or by door hanger.

c) Customer stops the excess water flow within 24 hours of an identified leak.
   - Water flow can be stopped by shutting off the water at the curb stop or with a valve in the house and by making the needed repairs.

d) Customer has repairs completed within 30 days of an identified leak.

e) The leak results in one monthly utility bill having a combined water and sewer charge of $150 more than the average monthly water and sewer charge. The 12 previous monthly charges will be used to calculate the average. If 12 months are not available, the average will be calculated using the history that is available.

f) Customer submits completed high water adjustment form and proof of the completed repair (e.g. plumber certification, copy of receipts, etc.) to the city within 30 days of the leak being repaired. The form can be obtained from Public Services and submitted in the following ways:
   - By email to PublicServices@waverlyia.com
   - In person to Waverly Public Services at 2900 5th Avenue NW, Waverly, IA
   - By mail to Waverly Public Services at P.O. Box 616, Waverly, IA 50677

4. High Water Adjustments: The city will notify the customer if they qualify for a one-time bill adjustment. If the customer qualifies, the city will authorize a bill adjustment on the Waverly Utilities bill for 50% of the difference between the combined high water and sewer charges from one billing period, and their 12-month average up to a maximum credit of $2,000.

CHAPTER 75

WASTEWATER FACILITIES

Sections:

75.1 Definitions.
75.2 Sewer Control.
75.3 Powers & Authority For Inspection.
75.4 Enforcement.
75.5 Appeals.
75.6 Sewer/Excavation Permit.
75.7 Hookup Fee deleted.
75.8 Sewer Construction.
75.8A Services.
75.9 Prohibited Uses of Sewers.
75.10 Conditional Uses of Sewers.
75.11 Discharge Permits.
75.12 Willful Discharge.
75.13 Nonwillful Discharge.
75.14 Wastewater Service Charges.
75.14A Sewer Rates, Charges and Minimum Charges.
75.15 General Monitoring.
75.16 Sampling Manhole.
75.17 Flow Measurement.
75.18 Testing Wastes.
75.19 Acceptable Materials.
75.20 Septic Hauler Program.
75.21 FOG Program.

SEC. 75.1 DEFINITIONS. As used in this chapter the following words shall be defined as follows:

1. Federal Government.

   a. Federal Act. The term "federal act" means the federal water pollution control act (33 U.S.C. 1251 et seq) as amended.

   b. Federal Administrator. The term "federal administrator" means the administrator of the United States Environmental Protection Agency.

   c. Federal Grant. The term "federal grant" means the United States government participation in the financing of the construction of treatment as provided for by Title II - Grants for Construction of Treatment Works of the Act and implementing regulations.

2. State Government.

   a. State Act. See current Code of Iowa.
   b. Executive Director. The term "executive director" means the Iowa Department of Natural Resources or the chairperson of the Iowa Water Quality Commission.

3. City Government.

   a. Administrator. The term "administrator" means the city administrator.

   b. Director. The term "director" means the public works director for the city.

   c. Word Usage. "Shall" imposes a duty; "must" states a requirement; "may" confers a power.

4. NPDES Permit. The term "NPDES permit" means any permit or equivalent document or requirement issued by the federal administrator, or, where appropriate, by the executive director to regulate the discharge of pollutants pursuant to the applicable sections of the federal or state act.

5. Wastewater and Its Characteristics.

   a. Wastewater. The term "wastewater" shall mean the spent water of a community. It may be liquid or a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions.

   b. Sewage. The term "sewage" shall mean wastewater.

   c. Effluent Criteria. The term "effluent criteria" means any criteria defined in an applicable NPDES permit.

   d. Water Quality Standards. The term "water quality standards" means standards defined in the Iowa Departmental Rules.

   e. Unpolluted Water. The term "unpolluted water" means water of a quality equal or better than the applicable effluent criteria in effect under the state or federal act or water that would not cause violation of receiving water quality standards under the applicable act and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

   f. Milligrams per liter. The term "milligrams per liter" means a unit of concentration of water or wastewater constituent. It is 0.001 g. of the constituent in one thousand (1,000) ml. of water.

   g. SS. The term "SS" refers to the term "suspended solids" and shall mean solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

   h. BOD. The term "BOD" refers to the term "biochemical oxygen demand" and shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, as expressed in milligrams per liter.

   i. TKN. The term "TKN" refers to the term "total kjeldahl nitrogen" which means the concentration of ammonia and organic nitrogen expressed in milligrams per liter.

j. pH. The term "pH" refers to the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in "Standard Methods."

k. Standard Methods. The term "Standard Methods" refers to the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

l. Garbage. The term "garbage" means the solid animal and vegetable waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

m. Properly Shredded Garbage. The term "properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with a particle not greater than one-half (1/2) inch (1.2 centimeters) as measured by any dimension.

n. Slug. The term "slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any fifteen (15) minute interval more than three (3) times the average twenty-four (24) hour concentration of flows during normal operation or may adversely affect the collection system or performance of wastewater treatment facilities.

o. Sanitary Wastes. The term "sanitary wastes" means any solid, liquid or gaseous substance discharged, from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.

p. Industrial Waste. The term "industrial waste" or "process waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escape from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources as distinct from sanitary wastes.

6. Sewer Types and Appurtenances.

a. Sewer. The term "sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

b. Public Sewer. The term "public sewer" means a sewer owned by and subject to the jurisdiction of the city. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sewer system, even though these sewers may not have been constructed with city funds.

c. Private Sewer. The term "private sewer" means a sewer not owned by the city. Private sewers within the city boundaries are subject to the jurisdiction of the city and subject to design standards established by the city.

d. Sanitary Sewer. The term "sanitary sewer" means a public sewer that conveys wastewater, and into which storm , surface, ground and unpolluted waters are not intentionally admitted.

e. Storm Sewer. The term "storm sewer" means a public sewer that carries storm, surface and groundwater drainage but excludes wastewater other than unpolluted water.

f. Combined Sewer. The term "combined sewer" means a public sewer to be used as both a sanitary sewer and a storm sewer.

g. Building Lateral. The term "building lateral" means the extension from the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall and extending to the public sewer or other place of disposal.

h. Building Sewer. The term "building sewer" means the part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building lateral.

7. Treatment.

a. Pretreatment. The term "pretreatment" means the treatment of wastewaters from sources before introduction into the public sewer.

b. Water Pollution Control Plant. The term "water pollution control plant" means a publicly owned arrangement of devices and structures for treating wastewater. A water pollution control plant may be used synonymously with the term "waste treatment plant" or "pollution control plant."

c. Water Pollution Control Facilities. The term "water pollution control facilities" or "wastewater system" means the publicly owned structures, equipment, and processes required to collect, convey and treat wastewaters.

8. Watercourse and Connections.

a. Watercourse. The term "watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
b. Natural Outlet. The term "natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

9. User Types.

a. Residential User. The term "residential user" means any user of the water pollution control facilities where permanent residency is established and only sanitary wastes are discharged.

b. Commercial User. The term "commercial user" means any user of the water pollution control facilities where business or commercial trade is conducted and not classified as an industrial user.

c. Industrial User. The term "industrial user" means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, most recent Office of Management and Budget, as amended and supplemented under one of the following divisions:

(1) Division A - agriculture, forestry and fishing.

(2) Division B - mining.

(3) Division C - manufacturing.

(4) Division D - transportation, communications, electric, gas, and sanitary services.

(5) Division E - services.

(6) Any nongovernmental user of a public owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

d. Sampling Manhole. The term "sampling manhole" means a structure located on a building lateral for the purpose of providing access to sample or measure wastewater discharges.

10. User Charges.

a. Wastewater Service Charge. The term "wastewater service charge" means the charge per quarter or month levied on all users of the water pollution control facilities.

b. O & M. The term "O & M" means the annual costs for operation and maintenance and includes replacement costs.

c. Replacement. The term "replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the water pollution control plant to maintain the capacity and performance for which such plant was designed and constructed.

d. Useful Life. The term "useful life" means the estimated period during which the water pollution control facilities will be operated and shall be thirty (30) years from the date of startup of any water pollution control facilities constructed with a Federal grant.

SEC. 75.2 SEWER CONTROL. The sewer system shall be under the direct supervision of the director who shall regularly report to the administrator on matters pertaining to sewers. The director may authorize any qualified person to inspect or perform work specified in this chapter.

SEC. 75.3 POWERS AND AUTHORITY FOR INSPECTION.

1. Access to Private Property.

    a. General. Any person authorized by the director may enter any premises to inspect, observe, measure, sample or test wastewater. However, if the owner or occupant of the premises objects to the inspection, the inspector shall enter the premises only after obtaining a warrant from a magistrate.

    b. Police Department. The police department shall cooperate with the director to enforce this section.

    c. Limitations. The inspector shall not have any authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having a direct bearing on the kind and source of discharge to the public sewers, natural outlets or water pollution control facilities.

2. Easement Access. An authorized inspector or worker after bearing proper credentials and identification to the owner or occupant of the premises, shall enter the private premises to inspect, observe, measure, sample, install, repair or maintain any part of the sewage works that are located within an easement held by the city. However, the entry and any inspection or work within the easement shall comply with the terms of the easement.

3. Liability.

    a. Duty of Care. While performing inspections or work on the premises, the inspector or worker shall observe all applicable rules established by the owner or occupant.

    b. Harmless. An owner or occupant of a premises shall be held harmless for injury or death to an inspector or worker performing on the premises.

    c. Indemnify. The city shall indemnify the owner or occupant for the loss or damage to property or for personal injury or death caused by the inspector or worker acting within the scope of the worker's or inspector's authority. However, if the negligence of the owner or occupant caused the loss, damage, injury or death, this paragraph shall not apply.

SEC. 75.4 ENFORCEMENT.

1. Notice to Correct. A person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. Such notice may be delivered personally with written receipt returned or by certified mail. If delivered by certified mail, receipt shall be deemed given when mailed. The offender shall, within the period of time stated in the notice, permanently cease all specified violations.

2. Penalty. A violation of this chapter is a simple misdemeanor. Additionally a person found to be in violation shall also be liable to the city for any damage, loss, cost or expense resulting from such violation.

3. Nuisance. A violation of this chapter shall be a nuisance. The person notified of the violation shall be notified of a right to a hearing before the council, as provided in this code. After the hearing or opportunity for hearing the council may order any of the following:

    a. Correction. Any necessary measure to correct and abate the violation by the person in violation or the administrator may be authorized to do so.

    b. Discontinuance. The sewer service to the premises where the violation occurs shall be discontinued. if the violation creates an immediate hazard to the operation of wastewater facilities or to any property or person, or if the violation is contrary to a condition of the applicable NPDES permit, the administrator may perform measures to abate the situation without notice or hearing.

    c. Assessment. The cost of repairing or replacing any sewer or structure and associated administrative costs (including but not limited to certified mail expenses) shall be assessed against the person found to have violated this chapter. Damages to public or private property, including loss of production, shall be assessed against the property where the violation occurred.

    d. Collection. Any amount due to the city arising from a violation, shall be collected by the city. A lien may be assessed against the property where the violation occurred, and shall be levied and collected with property taxes. The city may alternatively obtain a judgment and execute a judgment for the amount to be collected, including user charges, from the person incurring the liability for the payment of such charges.

SEC. 75.5 APPEALS. If a decision, determination, or order is made against a person, or compels a person to act, under authority of this chapter, the person may appeal pursuant to the following procedure:

1. Appointment. The parties shall each appoint one engineer licensed pursuant to the Code of Iowa. An appointed engineer shall not be an employee of either party.

2. Investigation. Two professional engineers shall review the complaint, the decision of the administrator, all evidence used in the determination, and conduct an independent investigation of the case.

3. Report. Upon completion of the investigation, the engineers shall report to the council, recommending that the decision of the administrator be in part or in whole affirmed, modified or reversed. The report shall be submitted to the clerk. The clerk shall file the report and deliver a copy to the administrator, the other party, and the council.

4. Third Engineer. If the engineers cannot concur in a recommendation, they shall appoint a third engineer licensed pursuant to the current Code of Iowa. A majority of the engineers shall report to the council in the manner prescribed in this section.

5. Final Decision. The council shall hear the case within a month following the report being submitted to the clerk. The decision shall be in writing and delivered to the clerk within two months after the council hears the case. The clerk shall file the decision and deliver a copy to the administrator and the other party.

6. Fees. The fees of an engineer for performing services under this subsection shall be paid by the party appointing such engineer. If the appointment of a third engineer is required, the fees of such engineer shall be equally divided by both parties.

SEC. 75.6 SEWER/EXCAVATION PERMIT. A permit is required to create a new sewer service connection, or to repair/adjust an existing sewer service or connection, including any work between the building and the sewer main (including any sewer main work). The permit application must be completed and submitted with a $25 application fee. After review of the application, a permit may be issued allowing work to proceed. All code requirements must be followed and work must be inspected as directed by the permit. (Amended by Ordinance 1133, Published 01/09/2024)

SEC. 75.7 HOOKUP FEE. Deleted per ordinance 766.

SEC. 75.8 SEWER CONSTRUCTION.

1. General. The construction of a sewer to be connected to the public sewer system shall be performed in conformance with applicable city specifications.

2. Procedure. The person owning property on which the construction is to be located, must submit plans for city approval, pursuant to the procedures established for sewer construction in this code. If the director determines that an interceptor is required, as described in this subsection, the owner must submit construction plans, showing such interceptors. Any plans required under this section, shall be submitted to the public works office with the sewer/excavation permit application. All plans must be approved by the director, before the connection is made. The director or designee shall supervise the construction of said sewers.

3. Junctions. A person shall not tap any public sewer at a place other than at the regular junction "tee" or "wye" built into the sewer, without specific authority from the director. The director or designee shall supervise the connection.

4. Outside the City. A connection shall not be made to any sewer facility located outside the city, unless authorized by council resolution.

5. Combined Sewers. The installation or use of combined sewers is prohibited.

6. Permanent Disconnection. All sewer services that become obsolete because of the laying of new or larger services must be disconnected at the sewer main and reported to the sewer division. When a building is to be demolished or moved, eliminating the need for a sewer service, the sewer service must also be disconnected at the sewer main. If plans are to rebuild on the property, the sewer service must be abandoned back to the property line. Acceptable means of disconnection include plugging or capping the connection at the main.

7. Interceptors. Refer to SEC. 75.21 FOG Program.

SEC. 75.8A SERVICES

1. Specifications. A service must be at least four inches in diameter. Such service must be gasket joint (Refer to SEC. 75.19 for specifications).

2. Installation. A service line must be installed beneath the surface of the ground at a level where the sewer main is installed beneath a street. The service line must be installed to prevent freezing. A service line may service a lot, if the connection is made from the main located adjacent to the lot to be serviced. However, a service line shall not service a lot by crossing another lot without the approval of the director.

3. Maintenance.

    a. Owner. A person who owns the premises where buried service lines are located shall maintain such lines, if the premises are served by such lines. The person must ensure the safety and efficient operation of the lines and prevent obstructions in the lines and leakage from the lines.

    b. Service leaks. All leaks on the service line or interior building lines will be the responsibility of the owner to repair. Leaks shall be repaired as soon as possible, within 14 days. If there are public safety concerns the city will hire a private contractor to complete the repairs and charge the property owner for the work, which if not paid may be assessed against the served property. If the leak is determined to be on the sewer main, the city shall pay for costs incurred.

    c. City. If the director determines that any buried line, including service lines and connections does not comply with a provision of this chapter the director may order that the owner of the line repair or replace such line.

4. Liability. The city or a city employee acting within the scope of employment shall not be liable for damage resulting from work performed on buried lines or from any discontinuance of sewer service, if the following apply:

    a. Necessity. The action by the city was performed in the course of installing or repairing service facilities, or an emergency required such work or discontinuance of service; and

    b. Negligence. The damage or discontinuance was not the direct result of negligence by the city.

SEC. 75.9 PROHIBITED USES OF SEWERS.

1. Public Sewers. The following materials shall not be discharged into a public sewer:

   a. Inflammables. Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.

   b. Toxics. Any waters or wastes containing toxic substances, either solids, liquids or gases, in sufficient quantity, either singularly or by interaction with other wastes, to deteriorate any public sewer, injure or interfere with the sewage treatment process, or threatens the ecology or the public health including but not limited to the following list indicating maximum concentrations allowable in the wastes as discharged into the public sewer.

Substance	**Maximum Concentration (mg/1)**
Arsenic	0.3
Cadmium	1.0
Copper	2.0
Cyanide	0.2
Iron	5.0
Lead	1.0
Mercury	0.002
Nickel	3.0
Total Chromium	5.0
Zinc	2.0

   c. pH Levels. Any waters or wastes having a pH level lower than 5.5 or having any corrosive property capable of causing damage or hazard to the public sewer or structures, equipment, and personnel of the water pollution control facilities or operation thereof.

   d. Obstructions. Any solid or viscous substance, including in any form ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, or milk containers, either whole or ground by garbage grinders if the quantities or size of the substance is capable of obstructing the flow in the sewer, or interferes with the proper operation of the water pollution facilities.

2. Storm Sewers. Storm waters and other unpolluted waters shall be discharged into sewers designated as storm sewers. However, polluted wastewater shall not be discharged into storm sewers.

3. Sanitary Sewers.

   a. General. Storm waters, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted water shall not be discharged into any sanitary sewer.

   b. Construction. A person installing or improving a sanitary sewer shall not allow storm, surface or subsurface water to enter into the sanitary sewer.

c. Illegal Connections. Any connections made before or after the effective date of this ordinance, which discharge prohibited materials, shall be subject to immediate removal by owner of the premise so connected and at such owner's expense. Should the owner of such an illegally connected premise fail to remove the connection within sixty (60) days, the city shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premise.

d. Accidental Discharges. The accidental discharge of any prohibited liquid, gaseous or solid material into any public sewer or natural outlet, either directly or indirectly, shall be reported to the director immediately by the person responsible for the discharge. Although no penalty, as such, will be levied as a result of such accidental discharge, it shall be understood that the person shall not be relieved of its responsibilities and shall be liable for any expense, loss or damage occasioned by the city by reason of such accidental discharge.

SEC. 75.10 CONDITIONAL USES OF SEWERS. A person shall not discharge the following substances or waters, unless the person applies to the director for a permit and is granted a permit from the director:

1. Water or Wastes. Water or wastes excluding sanitary wastes having:

   a. BOD. Five-day BOD greater than forty-two (42) lbs./day.

   b. Suspended Solids. A suspended solids concentration greater than forty-two (42) lbs/day.

   c. Average Daily Flow. An average daily flow greater than twenty-five thousand (25,000) gallons/day.

2. Liquid or Vapor. Any liquid or vapor having a temperature higher than one hundred twenty degrees (120) Fahrenheit or forty eight degrees (48) centigrade.

3. Greases. Any water or wastes which contain grease, fats, wax, or oil, whether emulsified or not, at concentrations in excess of one hundred (100) mg/l, or other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) to sixty-five (65) degrees centigrade.

4. Unshredded Garbage. Any garbage that has not been shredded. The installation and operation of the garbage grinder must be inspected and approved by the director, if the motor is three quarter (3/4) horsepower or more.

5. Non-edible oil. Any water or wastes containing non-edible type oil or grease such as petroleum or mineral oil or grease.

6. Gases. Any water or wastes containing more than ten (10) parts per million by weight of the following gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.

7. Phenols. Any water or wastes containing phenols or other taste or odor producing substances, if the substance is in excess of the following: 0.5 parts per million by weight.

8. Acid or Alkaline. Any water or wastes containing an acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structures, facilities, or injury to persons.

9. Toxics. Any toxic substances, if the substances are not prohibited in this chapter. However, the amount of the substance discharged shall not be more than allowed in Section 75.19 (2) of this chapter.

10. Strong Acid Pickling Wastes. Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

11. Noxious Gases. Any noxious or malodorous gas or substances, which either alone or by interaction with other substances, threatens to create a public nuisance, threatens the public health, or prevents maintenance of sewer facilities.

12. Radioactive Wastes. Any radioactive waste or isotope with a half-life or concentration that is more than the limits established by the director. However, such limits must comply with applicable State/Federal law.

13. Unreasonable Concentrations. Concentrations of the following substances determined by the director to be at levels which threatens the operation of sewer:

    a. Suspended Solids. Unusual concentrations of inert suspended solids such as, but not limited to fuller's earth, lime slurries, lime residues or dissolved solids (e.g. but not limited to sodium chloride and sodium sulfate).

    b. Discolorations. Substances that cause excessive discoloration, including but not limited to, dye wastes and vegetable tanning solutions.

14. Nonamenable Substances. Any water or wastes containing a substance, if the substance is not amenable to treatment or reduction by city water pollution control processes, or if the substance is amenable but the water pollution control plant effluent does not satisfy county, state or federal applicable requirements.

15. Interactions. Any water or wastes that may interact with other water wastes allowed in the public sewer system if such interaction threatens structures, facilities, the ecology or the public health; releases obnoxious gases; or develops a color of an intensity or forms suspended solids in a concentration prohibited in this chapter.

16. Any Wastes. Any wastes, which in the opinion of the director, may harm either the public sewers, water pollution control plant, treatment process, equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the director shall give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the

treatment processes, capacity of the water pollution control facilities, degree of treatability of wastes in question, and other pertinent factors. Factors influencing this ruling and known conditions at the time of this ruling shall be recorded by the director in the plant file at the time the ruling is made.

17. General. Any wastes, not prohibited by this chapter in concentrations not prohibited in this chapter, that is determined by the director to threaten sewer facilities, including the water pollution control plant, treatment process, equipment or lines; that threatens the public health; or that constitutes a nuisance.

SEC. 75.11 DISCHARGE PERMITS. A person discharging substances, waters or wastes for which a permit is required, must submit to the director an application for a discharge permit.

1. Information. The above required application must contain the following information:

   a. Owner. The name and address of the owner.

   b. Title. The title of the official making the application.

   c. Plant Location. The location of the plant.

   d. Business Nature. The nature of the business conducted in the plant.

   e. Volume. The volume of industrial waste mixture and sewage discharged by each plant.

   f. Employees. The average daily number of employees working each shift in each plant.

   g. Water Source. The source of water supply for each plant and the volume of water used by each plant.

   h. Additional Information. Any additional information required to ascertain the volume, nature and composition of industrial waste discharge.

2. Application Conditions. Upon reviewing the application, the director may impose any conditions reasonable for the discharge of a substance for which a permit is required such as but not limited to accept the waste, reject the waste, require pretreatment to an acceptable condition for discharge to the public sewer, require control over the quantities and rates of discharge, and/or require payment to cover the added cost of handling and treating the wastes not covered by wastewater service charges under these provisions.

3. Permit Classes. A person granted a permit, must be granted one of the following classes of permits:

   a. Class I. Any user whose wastewater, not including sanitary waste, is affected by sections 75.22 numbers 2 through 16 and has quantities less than the following:

Flow:	25,000 gpd
BOD:	42 lbs/day
SS:	42 lbs/day

b. Class II. Any user whose waste, not including sanitary waste, has any one of the quantities that may be more than the following:

Flow:	25,000 gpd
BOD:	42 lbs/day
SS:	42 lbs/day

c. Class III. Any user whose waste, not including sanitary waste, has all the quantities that are more than the following:

Flow:	25,000 gpd
BOD:	42 lbs/day
SS:	42 lbs/day

4. Terms. All wastewater discharge permits shall be expressly subject to all provisions of this chapter and shall be valid for a one-year term and must be renewed thereafter. Exceptions to the term may be approved by the director in case of extenuating circumstances. Each permit shall contain the following terms:

a. Volumes. The daily average and maximum wastewater flow volumes.

b. Wastewater Strength. Average and maximum limits on the elements of the discharger's wastewater strength.

5. Permit Conditions. Wastewater discharge permits may contain any of the following conditions:

a. Pretreatment Facilities. For discharges that require pretreatment:

(1) Approval. Plans, specifications and other pertinent information relating to private treatment facilities shall be submitted to the public works department for approval of the director. Approval by the director is required before such facilities may be constructed.

(2) Maintenance and Records. Private treatment facilities shall be continuously maintained at the owner's expense to ensure safe and efficient operation. The facilities shall be subject to city inspection. The owner shall maintain operating records and submit to the city a monthly summary report of the influent and effluent flow characteristics to show the performance of the pretreatment facilities.

b. Limits. The limits on the rate and time of discharge or requirements for flow regulation and equalization.

c. Sampling. Requirements for sampling manhole, including city access to such facilities.

d. Monitoring. A monitoring program which may include: sampling locations; frequency and method of sampling; number, types, and standard of tests; and establishing a reporting schedule. The discharger assigned a monitoring program in conformance with this section must pay all applicable city charges.

e. Reports. Submission of technical reports or discharge reports.

f. Discharge Reports. Maintenance of plant records relating to wastewater discharges, as specified by the director. The city may inspect such records, upon reasonable notice and during regular business hours.

g. Other Conditions. Other conditions determined as necessary by the director.

6. Modifications. The terms and conditions of a wastewater discharge permit, including the average limits on the elements of wastewater strength, may be modified by the director for good cause. The discharger shall be provided a reasonable time to comply with the modification. However, if the modification affects the average limits of wastewater strength, the calculation of the sewage service charge shall immediately be made.

7. Transfer. The transfer or assignment of a discharge permit is prohibited.

8. Termination. The director may terminate any wastewater discharge permit for violation of the terms and conditions of the permit or the provisions of this chapter. A permit shall be terminated by the director if the discharger exceeds the maximum allowable discharge limits. A person whose permit has been terminated shall apply for a new permit within thirty (30) days of notice of termination. Any person whose permit has been terminated shall pay wastewater services charges based upon his former permit until an new permit has been applied for, approved, and issued.

SEC. 75.12 WILLFUL DISCHARGE. If a connection to the public sewer system is found by the director to be willfully or continuously used to discharge any material in violation of this chapter, such connection shall be removed within sixty (60) days from the date that notice of the violation is delivered by the city. If the removal is not completed within sixty (60) days, the director shall order that the city complete the removal. The cost of such work by the city shall be billed to the owner of the premises served by the connection. The person shall be liable for any damages to sewer facilities caused by the discharge. A continuous discharge in violation of this chapter shall be prima facia evidence that the discharge is willful.

SEC. 75.13 NONWILLFUL DISCHARGE. If a connection to the public sewer system is used to discharge any substance in violation of this chapter, and the director determines that the discharge is not willful, the owner of the premises served by the sewer system where the discharge occurred, shall be liable for any damages to sewer facilities caused by the discharge. If the person in good faith reports to the city immediately after a prohibited discharge, the nature and extent of the discharge, the report shall be prima facia evidence that the discharge is not willful, unless such discharge is continuous.

SEC. 75.14 WASTEWATER SERVICE CHARGES. The cost and expense of financing the installation, maintenance and the operation of the water pollution control facilities shall be from funds available from the collection of wastewater service charges, as per a schedule of rates and changes as adopted by council and set forth at Section 75.14A which shall be published and available for public inspection.

1. Comprehensive Wastewater Service Charge. A person whose premises are served by a connection to the sanitary sewer of the city shall pay to the city a comprehensive wastewater service charge for the services supplied by the water pollution control facilities.

   The charges shall consist of the following:

   a. O & M. A user charge for O & M of the water pollution control facilities.

   b. User Charge. A user charge for maintenance of sewers.

   c. Debt Service Charge. A debt service charge.

2. User Groups. Wastewater service charge rates shall be established according to the following user groups:

   Group I. Residential Users, commercial and Class I permit users.

   Group II. Class II permit users.

   Group III. Class III permit users.

   Group IV. Special rates.

3. Basis of Rates. The rates for comprehensive wastewater service charges shall be reviewed at least every two (2) years. Such rates may be revised as necessary to ensure that the system generates adequate revenues to pay the costs of operating and maintaining the wastewater facilities. The system of charges must ensure a proportional distribution of costs as provided below.

4. Proportional Distribution. At the end of the fiscal year an adjustment must be calculated for each user group based on actual costs incurred and actual group loadings contributed during the previous fiscal year. The adjustment for each user group shall be applied to the group charge for the coming fiscal year. A separate adjustment shall be calculated for each Group I, Group II, Group III and Group IV users.

5. Charges.

   a. Operation and Maintenance Charges for the Water Pollution Control Plant. The operation and maintenance charges shall provide revenue to pay for the costs of operation and maintenance of the water pollution control plant. The operation and maintenance costs include salaries and fringe benefits, utilities, chemicals, equipment repair, maintenance and all other miscellaneous expenses resulting from the operation of the water pollution control plant. The allocation of the plant operation and maintenance charge shall be based upon the quantities of flow, BOD and SS discharged by a user. The unit cost shall be determined as follows:

(1) Unit Flow Cost. The unit flow cost per one thousand (1000) gallons shall be determined by multiplying the anticipated O & M budget by that percentage attributable to flow related operations and dividing by the anticipated year's total flow to the water pollution control plant.

(2) Unit BOD Cost. The unit BOD cost per pound shall be determined by multiplying the anticipated O & M budget by that percentage attributable to BOD related operations and dividing by the anticipated year's total BOD load at the water pollution control plant, measured in pounds.

(3) Unit Suspended Solids. The unit SS cost per pound shall be determined by multiplying the anticipated O & M budget by that percentage attributable to SS related operations and dividing by the anticipated year's total SS load at the water pollution control plant, measured in pounds.

b. Sewer Maintenance Charges. Each user shall pay a sewer maintenance charge. The sewer maintenance charge shall pay for the maintenance of both sanitary and storm sewers. The cost shall be shared evenly by all sewer users. The cost per user shall be determined by dividing the anticipated budget by the total number of users which determines the total annual charge to be recovered from each user.

c. Debt Service & Replacement Fund Charge. A debt service and replacement fund charge shall be collected to pay the city's cost for capital improvements and to provide revenue for a replacement fund. The replacement fund shall be maintained to provide funds for replacement of items of equipment and appurtenances at the water pollution control plant. Funds which are available from revenue collected by the debt service and replacement fund charge after payment of the bond principal and interest and bond coverage shall be transferred to the replacement fund. The debt service-replacement fund charge shall be derived by establishing a unit cost for flow, BOD and SS. The unit costs shall be derived for each parameter by dividing the capital costs attributable to each parameter by the capacity of the capital improvements. Each permit user shall pay a debt service charge and replacement fund charge based upon their permit discharge values.

d. Service Charge Payments. Service charges shall be established for each group of users by resolution, provided that the resolution is consistent with this chapter. Revenue from the monthly charges shall be used for sewer maintenance and debt service. The basis for the amount charged to each group shall be based on the following:

(1) Group I. The total periodic billing for sewer charges to Group I users shall be based upon water meter readings.

(2) Group II. The total periodic billing for sewer charges to Group II users shall be an amount based upon water meter readings and a permit surcharge factor (PSF). The PSF shall be determined by the director and noted on the discharge permit. The PSF shall be calculated by dividing the total O & M charges as set forth for Group III by the O & M charges established for Group I.

(3) Group III. The total period billing for sewer charges to Group III users shall be the sum of the plant O & M based upon monthly average values obtained from in situ measurements and samples, the sewer O & M and the debt service replacement fund charge based upon maximum values obtained from the users discharge permit.

e. Special Rates. The council may, by resolution, set special rates for certain users, upon reviewing any recommendation presented by the director, if applying the usual rates would be inequitable to the city or to the user. Cases where the city may set such special rates includes the following:

(1) Waste Character. The character, including the nature or use of the sewage or industrial waste requires an abnormal amount of work to purify.

(2) Pollution Level. The major portion of the city water consumed is not polluted or is not discharged into the sanitary sewer.

(3) Privately Produced Water Supplies. The water is produced from privately produced supplies. The special rates established must be calculated on an equal basis with the rates which would apply to an equal quantity and character of waste originating through the use of city water. The director shall designate any means necessary to measure the private water supply and resulting sewage flow, including any installation at the expense of the private producer. The producer shall cooperate with the director and report any information necessary to make the determination.

6. Payment Collection. The city shall bill each user of the sanitary sewer on a schedule compatible with the city water department.

a. Collection of Charges. The finance director shall collect wastewater service charges in conjunction with the water rentals in accordance with the schedule of rates provided in this chapter or otherwise approved by the council. The finance director must maintain accurate and complete records of such collections and shall deposit the collections in a banking institution designated as the official depository of city funds. The finance director shall regularly report to the administrator a complete statement of collections made, pursuant to procedures established by the administrator. The finance director shall charge to the water pollution control facilities account the cost to the accounting department of collecting wastewater charges. The billing charges shall be subject to the approval of the council.

b. Failure to Pay Wastewater Service Charges.

(1) City Water Consumer. If the person liable for a payment is a consumer of city water, the wastewater service charges shall be subject to the same rules related to delinquency and suspension of service as applies to water service. The city shall have a lien upon the property served by a sanitary sewer for the amount of delinquent wastewater service charge payments. The clerk shall certify all delinquent wastewater service charges to the county auditor for the purposes of taxation and establishing a lien on the property. For the

purposes of certification only, service payments shall be designated as delinquent when records show that service payments have been unpaid for a period of at least one month after the due date.

(2) Private Water Supply. If a person liable for the payment receives water from a private supply, the person shall be subject to the same provisions described in paragraph 1 of this subsection.

(Following Fees Amended 3/20/23 by Ord. 1116)

SECTION 75.14A

ORDINANCE NO. 1116

An Ordinance Amending Sewer Rates, Charges and Minimum Rate.

WHEREAS, The City Council of the City of Waverly has determined that increases in the sewer rates, charges and minimum rates are necessary to meet the ongoing operating and capital needs of the sewer enterprise.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Waverly, Iowa that Section 75.14A of the Waverly Municipal Code of Ordinances pertaining to Wastewater Service Charges be amended by listing the following rates, charges and minimum rate for sewer classes and that said following sewer rates, charges and minimum rate are hereby adopted.

EFFECTIVE JUNE 2023 (10.0% increase)

Charges shall be reflected on the utility bills for meters read in June 2023, and thereafter.

CLASS 1

Plant O & M (50%) (per 100 CF)	$ 3.92	
Debt Service (30%) (per 100 CF)	2.35	
Sewer O & M (20%) (per 100 CF)	1.57	
	$ 7.84	(per 100 CF)
Minimum Charge (245 CF)	$ 19.21	
Non-Metered Sewer Rate (600 CF)	47.04	

CLASS 2 & 3

Plant O & M

Average Daily Flow (per 1,000 gal)	$ 37.58
Average BOD (lb per day)	39.44
Average TSS (lb per day)	26.97

Sewer O & M

Average Daily Flow (per 1,000 gal)	$ 46.67

Debt Service

$1.84 per 1,000 gallon x _____ permit maximum 24-hour flow
$12.55 per 1,000 gallon x _____ permit maximum 30-day average flow
$7.08 per pound x _____ permit maximum 30-day average lb/day/BOD
$2.28 per pound x _____ permit maximum 30-day average lb/day/TSS

EFFECTIVE JUNE 2024 (2.5% increase)

Charges shall be reflected on the utility bills for meters read in June 2024, and thereafter.

CLASS 1

Plant O & M (50%) (per 100 CF)	$ 4.02	
Debt Service (30%) (per 100 CF)	2.41	
Sewer O & M (20%) (per 100 CF)	1.61	
	$ 8.04	(per 100 CF)
Minimum Charge (245 CF)	$ 19.70	
Non-Metered Sewer Rate (600 CF)	48.24	

CLASS 2 & 3

Plant O & M

Average Daily Flow (per 1,000 gal)	$ 38.52
Average BOD (lb per day)	40.43
Average TSS (lb per day)	27.64

Sewer O & M

Average Daily Flow (per 1,000 gal)	$ 47.84

Debt Service

$1.89 per 1,000 gallon x _____ permit maximum 24-hour flow
$12.86 per 1,000 gallon x _____ permit maximum 30-day average flow
$7.26 per pound x _____ permit maximum 30-day average lb/day/BOD
$2.34 per pound x _____ permit maximum 30-day average lb/day/TSS

CLASS 2 & 3

Excess Loading Charge	30-day average (based on calendar month)
Flow excess	$ 1,000
BOD excess	1,000
TSS excess	1,000
NH3N excess	1,000

Daily Excess Loading Charge (Charges are not to exceed $1,000/day for the facility)

Number of times a Permit Limited item is exceeded per month				
_____	x	Flow excess	x	$ 1,000
_____	x	BOD excess	x	$ 1,000
_____	x	TSS excess	x	$ 1,000
_____	x	NH3N excess	x	$ 1,000
_____	x	pH limit max	x	$ 1,000
_____	x	pH limit min	x	$ 1,000

The minimum rate paid shall entitle each user of the City's sanitary sewer system to be charged in conjunction with the billing of two hundred forty-five (245) cubic feet of metered water during the month. The minimum rate, shown under Class 1, shall be applied in payment of the sewer system usage as measured and registered by the water meter during the month for which the minimum charge is made, according to the rates established under Class 1 above, provided always that no rebate shall be allowed if the sewer system usage in conjunction with the water usage does not reach two hundred forty-five (245) cubic feet for that month.

The present Iowa sales tax is excluded in the rate established under Class 1 above. Should other taxes be levied, then the rate established under Class 1 may be adjusted to include any additional tax burden upon the City occasioned thereby.

The City reserves the right to increase or change the sewer rates, rentals, and charges, without notice to the consumer, and at such times as the Council may deem proper, such charges, however, not to be retroactive.

All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

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.

This ordinance shall be in effect from and after the passage and publication as required by law.

(Amended 3/20/23 by Ordinance. 1116)

SEC. 75.15 GENERAL MONITORING. The waste discharge of any user of the water pollution control facility may be monitored by the city. The director shall monitor at least once each year the waste discharge of a permit user or special rate user. The discharge permit shall state when monitoring may occur.

SEC. 75.16 SAMPLING MANHOLE. The director may require a permit user discharging wastes into the city's sanitary system to construct a sampling manhole according to standards adopted by the director. The sampling manhole must be located downstream from any treatment, storage tank, or other approved works, to facilitate observing, measuring, and continuous sampling of wastes from the permit user. Continuous sampling shall be performed by an automatically operated sampling device. The measurement of continuous flow shall be indicated, recorded, and totalized. If pH control is required or if other waste characteristics require special control, the user shall install waste monitoring equipment, approved by the director, to monitor and record such characteristics. The sampling manhole shall be accessible to persons authorized by the director, at any time. The sampling manhole shall be installed pursuant to plans approved by the director. The user shall install and maintain the control structure to be accessible and operating at all times. The director may waive the requirement for a sampling manhole, if the user pays wastewater service charges required under Section 75.14 and tests of the wastes produce results similar to tests from other users or are measurable by other reliable indicators as determined by the director. The tests shall be considered a reliable basis to charge the user.

SEC. 75.17 FLOW MEASUREMENT

1. In Situ Flow. The volume of flow used in computing sewer rental charges shall be based upon actual in situ flow measurements.

2. Alternative Measurement. If the director determines that is not practical to measure the actual sewage and industrial waste flow or the flow of diverted water, another manner of computing the amount of water diverted from or discharged into the public sanitary sewage system may be used by the division. If the director determines that it is not practical to make an actual measurement of the waste discharge from the premises of the customer into the public sanitary sewage system, the director may accept as the volume of waste discharged from the premises that which are shown by the city water meters.

3. Meter. If waste is discharged into the sanitary sewers of the city from premises where water is supplied by other than city sources, and such water is discharged into the sanitary sewers, the owner of the premises must install a water meter approved by the director to measure the volume of flow.

SEC. 75.18 TESTING WASTES

1. General. Any measurements, tests or analyses of the characteristics of waters and wastes shall be determined pursuant to the latest edition of "Standard Methods for the Examination of Water and Wastewater."

2. Sampling. Samples for testing shall be collected at sampling manholes. If a sampling manhole is not required, the sampling shall be performed at the downstream control structure in the public sewer, that is located nearest to where the building sewer is connected. Sampling shall be performed by customarily accepted methods approved by the director.

SEC. 75.19 ACCEPTABLE MATERIALS. The materials listed below are to be used in either new installations or repairs.

1. Sanitary Sewer Services. Gasket joint SDR 23.5 with crushed stone encasement (4" and 6" services). Schedule 40 PVC is required for sewer service entry within five feet of the basement/building.

2. Sanitary Sewer Mains. Gasket joint SDR 35 with crushed stone encasement (8"-15")

SEC. 75.20 SEPTIC HAULER PROGRAM.

1. Definitions:
   a) **Administrator.** The term "administrator" means the city administrator.
   b) **Director.** The term "director" means the public works director for the city.
   c) **Waste Hauler.** The term "waste hauler" means any person, firm, or entity engaging in the collection, removal, or transportation of wastewater for the purpose of disposing at the wastewater treatment facilities.
   d) **Wastewater.** The term "wastewater" means the spent water of a community. It may be liquid or a combination of liquid and water carried wastes. For the purpose of this program, wastewater includes any privy vault, cesspool, sump, septic tank, chemical toilet, or acceptable commercial/industrial waste intended to be disposed of at the wastewater treatment facilities.
   e) **Water Pollution Control Facilities.** The term "water pollution control facilities" or "wastewater treatment facilities" means the publicly owned structures, equipment, and processes required to collect, convey, and treat wastewaters.
   f) **Domestic Load.** The term "domestic load" means a load of wastewater or FOG that was generated within Waverly city limits.
   g) **Non-Domestic Load.** The term "non-domestic load" means a load of wastewater or FOG that was generated outside of Waverly city limits.

2. Permit: No waste hauler shall collect, remove, or transport any wastewater for the purpose of delivering such waste to the wastewater treatment facilities without first obtaining a waste haulers permit issued by the City of Waverly.

   All applications for waste hauler permits must be submitted in writing, using the approved permit application, to the City of Waverly WPCF PO BOX 616, Waverly IA 50677. Applications are subject to review and approval by the director.

   Permits are valid for one year. The permit must be renewed prior to the expiration date specified thereon. Renewal applications must be made in the same manner as an initial application and shall be subject to review and approval by the director in the same manner as initial applications. Renewal applications must be submitted no later than thirty days prior to expiration of the expiring permit. Waste hauler permits are not transferable.

3. Rates: Fee for disposing of wastewater at the wastewater treatment facility is $50.00 per 1000 gallons for domestic loads, or $100.00 per 1000 gallons for non-domestic loads or loads originating outside of the Waverly city limits. The wastewater treatment facility does not have

the instrumentation to determine how full the truck is, therefore it is assumed that the truck is always full. This charge will be based on the maximum capacity of the truck. This fee includes administrative and sampling costs associated with the program.

Fee for disposing of FOG (Fats, Oils, Grease) at the wastewater treatment facility is $200 per load. Non-domestic FOG loads are not accepted.

4. Hours of Operation: Wastewater will be accepted at the disposal station between the hours of 0730-1500 Mondays through Fridays. Weekend and holiday hauling will not be accepted. Emergency hauling outside the normal working times will be accepted only upon approval of the director. This approval must be obtained at least 24 hours prior to the projected hauling time. A surcharge of $100 for after-hours hauling may be assessed to compensate for overtime hours worked by city personnel.

5. Disposal Process: Waste haulers will be directed to first check in with Water Pollution Control Facility personnel at 1401 8th St SE Waverly, IA 50677. WPCF personnel will check necessary documentation/ information regarding the wastewater being hauled. Upon approval, the waste hauler will then be given a key to access the dump station at 801 Crestwood Ave SE Waverly, IA 50677. After disposal is complete, the key must be returned to WPCF personnel.

   Waste haulers shall maintain the designated dumpsite at the disposal station in a clean, orderly condition so as to avoid noxious odors and unsanitary conditions. The hauler must satisfactorily clean up any spillage which occurs during discharge of hauled wastes.

6. Identification of Waste: Waste haulers must provide documentation of the nature and origin of wastes delivered to the wastewater treatment facility at the time of delivery. Such information shall be provided on a manifest form provided at the time of check in. A manifest form must be completed for each load discharged. The manifest shall include:

   a) The name, address, and phone number of the waste generator
   b) The type of waste collected
   c) The approximate volume of the load

   The director or designee shall have the right to verify the source, chemical nature, and volume of the material prior to disposal; including the right to sample and make chemical analysis thereof.

   Random sampling of loads will be performed on a regular basis and waste hauler should be equipped with a way to obtain a representative sample. Fees for the additional testing are included in the normal hauling rate.

   If the material is of a commercial or industrial origin, the waste hauler shall obtain approval for disposal of the waste from the director prior to loading the waste for delivery to the wastewater treatment facility.

7. Waste Load Limits: Waste loads hauled from commercial or industrial sources must meet all applicable federal, state and local pretreatment standards. The director, prior to delivery to the disposal station, must approve loads from commercial or industrial sources. The city will routinely refuse to accept hauled wastes that can be land applied without additional treatment.

All residential septic tank wastes that originate within the city limits of the city are acceptable. Waste loads must not be a hazardous waste as defined in 40 CFR Part 261 of the Federal Register, as amended.

Wastes from sand traps, such as those located in car, truck, and trailer washes, which primarily contain sand and dirt, **shall not** be routinely accepted for disposal at the wastewater treatment facility. Such wastes shall be land applied or land filled.

Wastewater containing contaminants listed in the Waverly City Code Section 75.9 “Prohibited Uses of Sewers” shall not be hauled to the wastewater treatment facility under any circumstances. Wastewater containing contaminants listed in the Waverly City Code Section 75.10 “Conditional Uses of Sewers” shall not be hauled to the wastewater treatment facility, unless written permission from the administrator or director is given to the hauler prior to delivery.

8. Suspension/Revocation: Any of the following shall constitute cause for the suspension or revocation of a permit issued under this program when committed by a permit holder or any employee, agent, or representative of a permit holder:

a) Giving any false or misleading statement concerning the nature, origin, or quantity of wastewater delivered for disposal.

b) Giving any false or misleading information in connection with any new application or renewal application.

c) Violation of any of the provisions of this program.

In the event of an occurrence warranting the suspension or revocation of any permit issued under this chapter, the following procedure shall apply:

d) The director, or their designee, shall notify the permit holder, in writing, that the permit is suspended or revoked. Such notice shall be sent to the permit holder by certified mail, return receipt requested, at the address listed on the permit holder's application. The notice shall set forth the nature of the violation and shall set forth the period of suspension, or in the case of revocation, that the permit is revoked. The director shall have the authority to determine whether a violation requires suspension (and for how long) or whether the permit should be revoked. The notice shall advise the permit holder of their right to request a hearing on the suspension or revocation. The permit holder receiving a notice of suspension or revocation may request a hearing thereon before the director. The hearing request must be in writing, must have a copy of the notice of suspension or revocation attached to it, and must be delivered to the public works office (2900 5th Ave NW, Waverly, IA 50677) no later than ten days after the date of such notice. If no request for hearing is made within the time set forth above, the suspension or revocation shall, upon the expiration of such time, become immediately effective and the permit holder shall have no right to further hearing or appeal. If timely request for hearing is made, the permit holder shall be notified in writing of the time, date and place of hearing which shall be no sooner than five, nor more than fifteen, working days following the Public Works Office receipt of the request for hearing.

e) If a hearing is requested, the suspension or revocation shall not become effective until the written decision of the director is made; provided, however, that if the director determines that the violations constituting cause for suspension or revocation present an immediate hazard to person or property, the director shall so state in the notice of suspension or revocation and, in that event, the suspension or revocation shall be effective immediately upon its issuance.

f) Any permit holder whose permit has been revoked shall be ineligible for another permit for a period of one year after the date of revocation.

9. Rejection of Loads: The director, or their designee, may reject any waste load delivered to the disposal station for disposal. Reasons for rejection include but are not limited to:

a) Suspension or revocation of permit.
b) Failure to obtain pre-approval for disposal of commercial or industrial wastes.
c) Failure to complete a waste hauler manifest form.
d) When a waste load exhibits unusual physical or chemical characteristics.
e) When waste is from a source where pretreatment is necessary prior to disposal.
f) To protect the wastewater treatment facility from damage.
g) Non-payment of previous invoices.

SEC. 75.21 FOG PROGRAM.

1. Definitions:

a) **Administrator.** The term "administrator" means the city administrator.

b) **Director.** The term "director" means the public works director for the city.

c) **Best Management Practices (BMPs).** Methods or techniques found to be the most effective in achieving an objective such as preventing or minimizing pollution. For this program, BMPs refer to methods and techniques used by Food Establishments to minimize the deposition of FOG. An example of BMP is scraping excess food or solidified grease from cooking utensils, to be disposed of in the trash, before washing.

d) **Fats, oils, and greases (FOG).** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”. A wide range of food preparation activities can generate fats, oils, and greases.

e) **Food Establishment (FE).** A place where food is prepared and intended for individual portion service, whether consumption occurs on or off the premises. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, commercial kitchens, hospitals, schools, hotels, bakeries, caterers, religious institutions, correctional facilities, nursing homes, and care facilities.

f) **Grease Interceptor:** An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases from wastewater. There are two types of grease interceptors: gravity grease interceptors and hydro-mechanical grease interceptors.

-Gravity Grease Interceptor. Plumbing appurtenances of not less than 500 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and greases from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes. Gravity grease interceptors shall be installed outside for ease of inspection and hauling.

-Hydro-Mechanical Grease Interceptor. A passive plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases from wastewater discharge. Hydro-mechanical grease interceptors are identified by flow rate, separation, and retention efficiency. The design incorporates air entrainment, hydro-mechanical separation, interior baffling, barriers in combination or separately, and external flow control.

g) **Grease Containment Device.** Any device or system that removes fats, oils, and greases from a waste stream.

h) **Waste Hauler.** The term “waste hauler” means any person, firm, or entity engaging in the collection, removal, or transportation of wastewater for the purpose of disposing at the wastewater treatment facilities.

i) **Water Pollution Control Facilities.** The term "water pollution control facilities" or "wastewater treatment facilities" means the publicly owned structures, equipment, and processes required to collect, convey, and treat wastewaters.

2. Purpose: This program sets forth the uniform requirements for users of the City of Waverly’s wastewater treatment facility to capture and dispose of fats, oils, and greases, enabling the city to comply with all applicable State and Federal regulations. No food establishment may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases

into the sanitary sewer system in such amounts as to cause interference with the collection and treatment systems.

Both new and existing FE facilities that generate in excess of 100 mg/l fats, oils, and greases as a result of food manufacturing, processing, preparation, or food service shall be subject to these requirements.

3. Existing Establishments: The existing facility is deemed compliant if there is a grease interceptor or other grease containment device in place and the following conditions are all met:

a) The FE continues to use the interceptor or other grease containment device.

b) The interceptor or other grease containment device is of sufficient capacity and design.

c) The interceptor or other grease containment device is operated and maintained so as to comply with the 100 mg/l FOG discharge limit.

Third party testing of a facility's waste stream, at the cost of the facility, shall be done annually to ensure the limits are being met. If a representative sample is unable to be collected, documentation regarding the design capacity of the grease containment device may be supplemented. Records of operation and maintenance will also be required in either scenario.

If the existing FE is deemed noncompliant, due to lack of grease containment equipment or not meeting the requirements listed above, the city will order the installation of an adequate grease interceptor. Deadlines for the completion of this process can be found below. The city will contact each FE with their designated "Risk Level".

Class 1 Establishments

- Notification of high-risk designation on or about September 1, 2023
- Permit application and interceptor proposal due no later than January 1, 2024
- Implementation of FOG program complete by March 1, 2024

Class 2 Establishments

- Notification of medium-risk designation on or about September 1, 2023
- Permit application and interceptor proposal due no later than January 1, 2024
- Implementation of FOG program complete by December 31, 2024

FEs which are unable to install or replace a grease interceptor due to physical constraints or economic hardship may appeal to the city for approval of an alternative grease control technology. Such appeal should be submitted in writing and include detailed descriptions of the physical or financial constraints and of the alternative grease control technology which it proposes to utilize.

Regardless of compliance, each FE must submit a FOG application and comply with the requirements of this program. This includes proper documentation, cleaning, maintenance, and inspections. Penalties will apply to FEs that violate any part of this program.

4. New Establishments: After the effective date of this program, any permitted construction of a food establishment shall include an adequately sized grease interceptor. The owner of the FE must complete a FOG application based on the design capacity of the grease interceptor before being granted a food or occupancy permit.

5. Grease Interceptors: Grease interceptors shall be installed at the expense of the owner or operator of the FE which is contributing wastewater to the water pollution control facility. A proposed grease interceptor design is required with submittal of the FOG application if a facility is deemed to be noncompliant. Grease interceptors shall be designed and implemented according to the standards listed below.
   - ASTM C1613: Standard Specification for Precast Concrete Grease Interceptor Tanks
   - ASTM F2649: Standard Specification for Corrugated High-Density Polyethylene (HDPE) Grease Interceptor Tanks
   - ASME A112.14.3: Grease Interceptors
   - ASME A112.14.4: Grease Removal Devices

- ASME A112.14.6: FOG (Fats, Oils, and Greases) Disposal Systems
- IAPMO/ANSI Z1001: Prefabricated Gravity Grease Interceptors
- UPC Chapter 10: Traps/Interceptors and Separators
- PDI G101: Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data

All waste streams containing FOG or reasonably likely to contain FOG within the FE shall be directed into one or more appropriately sized grease interceptors before discharge to the sewer system. Discharge lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to the grease interceptor.

Bioremediation media is only allowed with written permission from the wastewater treatment facility. This request must be made before the implementation of the bioremediation media and must demonstrate that the FE has the appropriate FOG system in place. Additional testing may apply.

Gravity grease interceptors shall be installed outside the building and below surface grade, and shall have access manholes, with a minimum diameter of 24 inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least the finished surface grade and be designed to prevent storm or surface water inflow. The manholes shall also have readily removable covers to facilitate inspection and grease waste hauling. The minimum size of a gravity grease interceptor shall be no smaller than 500 gallons.

Hydro-mechanical interceptors shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturer's instructions. Ready access shall be provided for cleaning, servicing, and inspection, at all times.

Hydro-mechanical and gravity grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device

shall be vented and terminate not less than 6 inches above the flood rim level or be installed in accordance with the manufacturer's instructions.

The director or other designated official of the city shall inspect and approve each interceptor, ensuring that all applicable design standards and requirements are met.

6. Cleaning and Maintenance: Grease containment devices shall be maintained in an efficient operating condition at all times, in accordance to the manufacturer's instructions. All grease waste shall be properly disposed of at an approved facility in accordance with federal, state, and local regulation. The FE shall keep record what company was used to haul the FOG waste and approximately how much FOG waste was hauled.

   Self-cleaning of hydro-mechanical interceptors is allowed, but only after written city approval. The following conditions must be met when a FE wants to self-clean:
   - The grease interceptor is no more than 100 GPM size.
   - Proper on-site material disposal methods are implemented (Ex. Adsorb material to dewater before disposing in the trash) or FOG is placed in leak proof, sealable container(s) located on the premises for a hauler to pump out.

- Detailed records are maintained and readily available for inspection.

Grease containment devices shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the system as designed and approved. Grease containment devices shall be completely evacuated a minimum of every sixty (60) days, or more frequently when one of the following conditions is met:

- Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the inlet/outlet of each chamber, contains floating material, sediment, or FOG. Each chamber shall be evaluated separately for the purposes of measurement and the requirement for evacuation.
- There is a history of non-compliance with this program.
- The discharge exceeds FOG or other pollutant levels determined by the wastewater treatment facility.

Each grease containment device, when cleaned, shall be fully evacuated and immediately put back into service. Following the cleaning, the system shall be subject to inspection. The maximum period in between cleanings may be increased or decreased based on the inspection records. This change will be denoted on the FOG permit.

Annually, the city will contact each of the FEs for inspections and permit renewal. While city is onsite, they will need access to the food preparation facility, all documentation associated with maintenance/cleaning, and the interceptor or other grease containment device.

7. Legal Requirements and Penalties:
Federal Water Pollution Control Act (Clean Water Act 33 U.S.C. 1251)

Waverly City Code. Chapter 75.10. (Conditional Uses of Sewers)

8. FOG Program Enforcement Schedule of Penalties:

a) Failure to submit FOG application or proposed grease containment equipment:
   - 1st Notice of violation - 7 calendar days to correct
   - 2nd Notice of violation - $100 penalty and 24 hours to correct
   - 3rd Notice of violation - Municipal infraction, $100 fine, and injunctive relief

b) Failure to follow maintenance and cleaning listed within permit:
   - 1st Notice of violation - 48 hours to submit corrective action
   - 2nd Notice of violation - $100 penalty and 24 hours to correct
   - 3rd Notice of violation - Municipal infraction, $100 fine, and injunctive relief

c) Operation of food establishment without grease containment equipment as determined by FOG program:
   - 1st Notice of violation - 7 calendar days to submit corrective action plan
   - 2nd Notice of violation - Municipal infraction, $100 fine, and injunctive relief

d) Incorrect installation of grease containment equipment and associated plumbing:
   - 1st Notice of violation - 7 calendar days to submit corrective action plan and/or correct

- 2nd Notice of violation - Municipal infraction, $100 fine, and injunctive relief

e) Falsification of records and data:
- 1st Notice of violation - 24 calendar days to submit corrected records
- 2nd Notice of violation - Municipal infraction, $100 fine, and injunctive relief

CHAPTER 76

MUNICIPAL ELECTRIC SYSTEM

Sections:

76.1 Confirmation.
76.2 Management of System.

SEC. 76.1 CONFIRMATION. The establishment maintenance and operation of an electric light and power plant, with all necessary poles, wires, machinery, apparatus, transmission facilities, and other requisites of the plant by the city, is confirmed.

SEC. 76.2 MANAGEMENT OF SYSTEM. For the purpose of regulating and operating said system a board of electric trustees was established November 1, 1977, and such board shall manage the system and exercise the powers and duties afforded the board by Iowa Code Chapter 388 and City Code Chapter 40.

CHAPTER 77

POWER & COMMUNICATION LINES

Sections:

77.1 Authority.
77.2 City Use Of Poles.
77.3 Joint Use.
77.4 Conduits.

SEC. 77.1 AUTHORITY. The city has the authority to regulate the size, type, location, installation, weatherproofing, appearance safety, and location of any electric, telephone or telegraph poles or wires.

SEC. 77.2 CITY USE OF POLES. Each power of communication line pole installed on any right-of-way shall have a place reserved near the top of such pole for lines or facilities, including alarm systems, owned by the city.

SEC. 77.3 JOINT USE. The city may compel any person authorized to use of a power or communication line requiring a pole, to use an existing pole on terms agreed to by the person and the owner of the pole. If the parties cannot agree on the terms of the agreement, the council shall determine the terms after a hearing where the administrator, and the parties may present evidence.

SEC. 77.4 CONDUITS. The city shall have the authority to install through any part of the city, a subway conduit for carrying power or communication lines. The city may compel that any person using power or communication lines, install such lines in the subway conduit, on terms set by the city negotiation.

CHAPTER 78

(Repealed and Replaced with Ordinance 1125, Published 05/23/2023)

WATER and SEWER CONNECTION FEES

Sections:

78.1 Northeast Waverly Water and Sewer Connection Districts.
78.2 10th Avenue Water Main Extension Connection District.
78.3 Southeast Water Connection District.
78.4 East Bremer Avenue Sewer Connection District.

78.1. Northeast Waverly Water and Sewer Connection Districts.

Boundaries. The Northeast Waverly Water and Sewer Connection Districts are hereby established for the purpose of collection within each said district of a fee from those property owners who shall make application to connect their properties to the water or sanitary sewer utilities of the city.

(a) District Boundaries. The boundaries of the Northeast Waverly Water Connection District shall be as follows:

Hind's Addition; Hind's 2nd Addition; Cedar Lane Acres Additions; Murphy's Additions and Replats; Fairholm. Addition; Section 27-9214 SE-SE (East of River); Section 34-92-14 NE-NE (East of River), SE-NE (East of River); Section 26-92-14: SW-SW, SE-SW, SW-SE, SE-SE; Section 35-92-14: NW-NW, NE-NW, SW-NW (North of River), SE-NW (North of River), NW-NE, NE-NE, SE-NE, SW-NE (East of River), NW-SE (East of River), NE-SE, SW-SE (East of River-Exc. S. Fr. Pt. Aud. Lot 12); Auditor's Plat of SE 1/4-Section 35-92-14 (Lots 1-11 & N. Fr. Pt. of Lot 12 & Middle Fr. Pt. of Lot 12); Section 36-92-14: NW-NW, NE-NW, SE-NW, SW-NW, NWSW, NE-SW, SE-SW, SW-SW, Lots 1-4 SWI/4; Section 1-91-14 (N 49.5 Acres of NW 1/4 Ex. S 266'of N. 758.4'of W. 408.48' Section 2-91-14 (Lots 1 & 2 and Parcel Adjacent to South in NE Corner of NE 1/4).

(b) District Boundaries. The boundaries of the Northeast Waverly Sewer Connection District shall be as follows:
Hind's Addition; Hind's 2nd Addition; Cedar Lane Acres Additions; Murphy's Additions and Replats; Fairholm Addition; Section 27-9214 SE-SE (East of River); Section 34-92-14: NE-NE (East of River), SE-NE (East of River); Section 26-92-14: SW-SW, SE-SW, SW-SE, SE-SE; Section 35-92-14: NW-NW, NE-NW, SW-NW (North of River), SE-NW (North of River), NW-NE, NE-NE, SE-NE, SW-NE (East of River), NW-SE (East of River), NE-SE, SW-SE (East of River-Exc. S. Fr. Pt. Aud. Lot 12); Auditor's Plat of SE 1/4-Section 35-92-14 (Lots 1-3 & 6-11 & N. Fr. Pt. of Lot 12 & Middle Fr. Pt. of Lot 12 Section 36-92-14: NW-NW; SE-NW (West of Road and W. Pt. of S. 30 Rods; SW-NW, NW-SW, NE-SW (Pt. N. 26 Rods S 1/2 NE-SW), SW-SW (N 1/2 SW-SW-Exc. Lot I of Aud. Plat of SW 1/4).

Connection Fee.
Sanitary Sewer Utility Connection Fee. The connection fee for the sanitary sewer utility shall be based on each connection determined to be within the connection district boundaries.

The connection fee for the sewer connection shall be $6,391.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the sanitary sewer main.

Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries.

The connection fee for each water connection shall be $3,989.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

78.2 10th Avenue Water Main Extension Connection District.

Boundaries. The 10th Avenue Water Main Extension Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the water utility of the city.

(a) District Boundaries. The boundaries of the 10th Avenue Water Main Extension Connection District shall be as follows:

The Connection Fee Boundaries includes all the following parcels:

E ½ of the SW ¼ of Section 4 T91N R14N of the 5th P.M.
NW ¼ of the SE ¼ of Section 4 T91N R14N of the 5th P.M.
S ½ of the SE ¼ of Section 4 T91N R14N of the 5th P.M.
SW ¼ of the SW ¼ of Section 3 T91N R14N of the 5th P.M.
NE ¼ of the NW ¼ of Section 9 T91N R14N of the 5th P.M.
N ½ of the NE ¼ of Section 9 T91N R14N of the 5th P.M.
NW ¼ of the NW ¼ of Section 10 T91N R14N of the 5th P.M.

Connection Fee.
Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries.

The minimum connection fee for each water connection shall be $4,600.00 and said fee shall increase based on the diameter of the water pipe connecting to said main as shown in the following connection fee schedule:

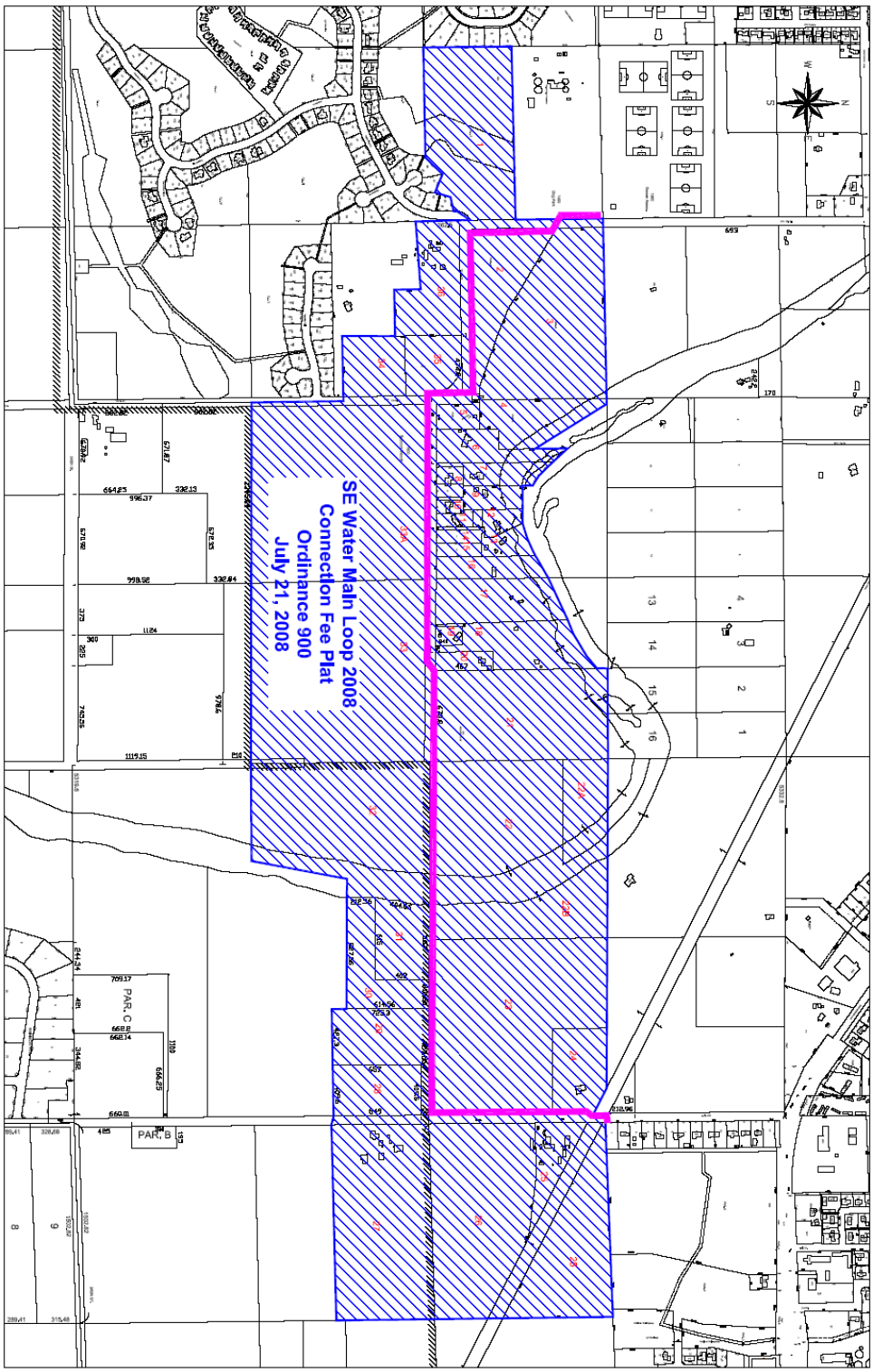
Diameter less than or equal to 1” 1.0 Connection Fee Units = $ 4,600.00
Greater than 1” and less than or equal to 2” 1.5 Connection Fee Units = $6,900.00
Greater than 2” and less than or equal to 4” 2.0 Connection Fee Units = $9,200.00
Greater than 4” and less than or equal to 6” 2.5 Connection Fee Units = $11,500.00
Greater than 6” diameter 3.0 Connection Fee Units = $13,800.00

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

78.3 Southeast Water Connection District.

Boundaries. The Southeast Water Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the water utility of the city.

(a) District Boundaries. Centennial Oaks Golf Club Add Outlot E; (2) Parcel R SE NE 11-92-14; (3) Parcel S SE NE 11-92-14; (4) Parcel E SW NW; (5) Parcel D SW NW; (6) Pt of SW Cor SW NW 12-91-14; (7) Winzenburg Add 11; (8) Winzenburg Add 2 # 3 1; (9) Pt of SE Cor SW NW 12-91-14; (10) Winzenburg Add 1 2; (11) Winzenburg Add Lot 2 Blk 2 “EX N 70’”; (12) N 70’ Lot 2 Blk 2 & Tract in SW NW 12-91-14 Winzenburg Add; (13) Part SW NW 12-91-14; (14 & 15) Winzenberg Add 1&2 3; (16) E 10 Rod South of River SW NW 12-91-14; (17) W ¼ SE NW 12-91-14 South of River; (18) E ½ W ½ SE NW 12-91-14 S of River “Ex S 467’ E 140’” & “Ex Parcel A”; (19) Parcel A SE NW 12-91-14; (20) S 467’ E 140’ W ½ SE NW 12-91-14; (21) E ½ SE NW 12-91-14; (22) SW NE 12-91-14 22 A West of River; (22A) N ½ NW SW NE 12-91-14; (22B) SW NE E of River 12-91-14; (23) SE NE 12-91-14 “Ex NE 6A”; (24) N 6A E ½ SE NE 12-91-14; (25) N Fr Part SW Fr NW Fr; (26) SW Fr NW Fr “EX Railroad”; (27) N 25 AC W Fr ½ SW; (28) S649’ N709’ E409.6’ NE SE 12-91-14; (29) NE Fr Part NE SE 12-91-14; (30) Tr in N Fr Part SE E of River 12-91-14; (31) TR 402’ x 563’ N Fr Part SE ¼ E of River 12-91-14; (32) NW SE 12-91-14 West of River; (33) NE SW 12-91-14; (33A) NW SW 12-91-14; (34) N 656.42’ E 484.93’ NE SE “Ex Parcel M”; (35) 9-E & 9-11H; (36) S Fr Pt SE NE & N Fr Pt NE SE 11-91-14


SE Water Main Loop 2008
Connection Fee Plat
Ordinance 900
July 21, 2008
PAR. C
PAR. B

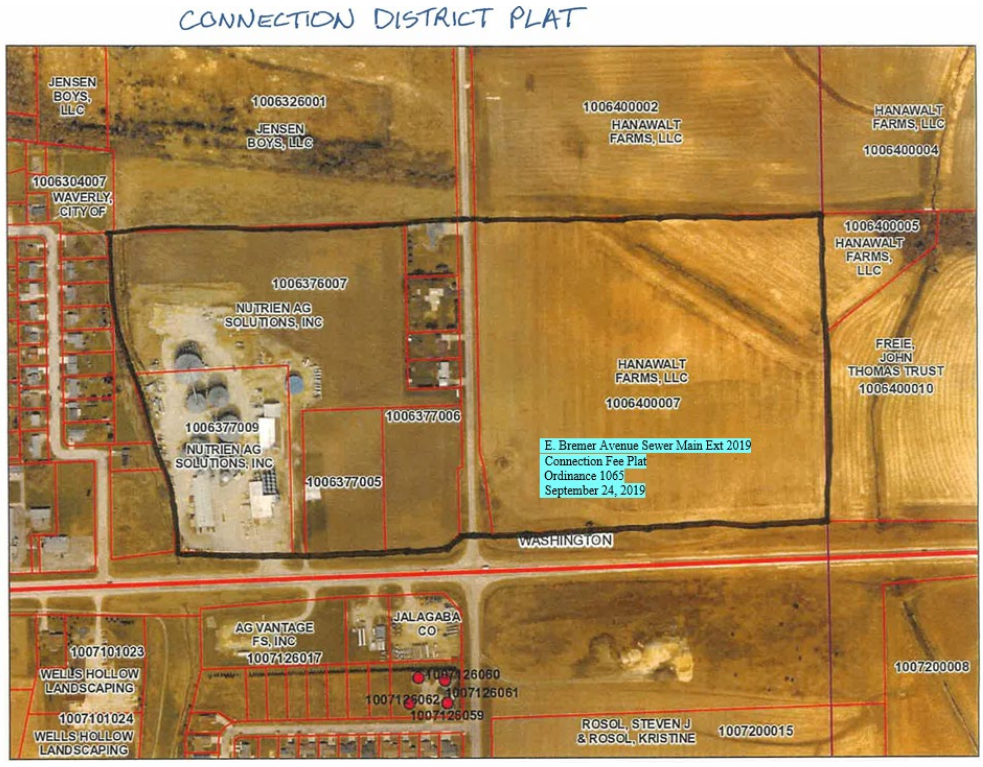
Connection Fee.
Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries. The connection fee for each water connection shall be $5,400.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

78. East Bremer Avenue Sewer Connection District.

Boundaries. The East Bremer Avenue Sewer Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the sanitary sewer utility of the city.

(a) District Boundaries. South Lot $10,000 connection fee; North Lot $10,000 connection fee; Lot 8 Monaghans $10,000 connection fee; Lot 7 Monaghans $10,000 connection fee; Parcel H $20,000 first connection fee; Parcel H $10,000 subsequent connection fee; SW SE Section 6 ex. H $20,000 first connection fee; SW SE Section 6 ex. H $10,000 subsequent connection fee; Lot 6 Monaghan 2nd $10,000 connection fee; Lot 5 Monaghan 2nd $10,000 connection fee; Lots 3 & 4 Monaghan 2 $10,000 connection fee; Lots 1 & 2 Monaghan 2 $10,000 connection fee



Connection Fee.
Sanitary Sewer Utility Connection Fee. The connection fee for the sanitary sewer utility shall be based on each connection determined to be within the connection district boundaries.

The connection fees are as follows:

South Lot $10,000 connection fee;
North Lot $10,000 connection fee;
Lot 8 Monaghans $10,000 connection fee;
Lot 7 Monaghans $10,000 connection fee;
Parcel H $20,000 first connection fee;
Parcel H $10,000 subsequent connection fee;
SW SE Section 6 ex. H $20,000 first connection fee;
SW SE Section 6 ex. H $10,000 subsequent connection fee;
Lot 6 Monaghan 2nd $10,000 connection fee;
Lot 5 Monaghan 2nd $10,000 connection fee;
Lots 3 & 4 Monaghan 2 $10,000 connection fee;
Lots 1 & 2 Monaghan 2 $10,000 connection fee
Ordinance 1065 09/24/19

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

CHAPTER 79

WAVERLY COMMUNICATIONS UTILITY

Sections:

79.1 Establishment.

SEC. 79.1 ESTABLISHMENT. Pursuant to a vote of the people held November 7, 2000, establishing a municipal cable communications or television system under the management and control of the Board of Trustees of the Waverly Municipal Utilities, the WAVERLY COMMUNICATIONS UTILITY was established by Ordinance 970 on June 20, 2013.

CHAPTER 80
CEMETERY

Sections:

80.1 Lot--Payment In Advance--Deed--Sale.

80.2 Care By Leisure Services Director.
80.3 Care--Generally--Assessment.
80.4 Lot Alterations.
80.5 Repairs.
80.6 Burial On Lot Of Another.
80.7 Ownership Records.
80.8 Director's Duties.
80.9 Opening And Closing Graves.
80.10 Moneys Disposition.
80.11 Prohibited Acts.
80.12 Lot Purchase Price.
80.13 Rules And Regulation Development.

SEC. 80.1 LOT--PAYMENT IN ADVANCE--DEED--SALE. Burial lots shall be paid for in advance before any burial is made therein and the purchase price shall include perpetual care thereof. All deeds executed for lots in the cemetery shall recite that such lot is sold for burial purposes only, and subject to all the rules, regulations and ordinances as are now in force or which hereafter may be enacted by the city council in relation thereto.

1. They shall be signed by the mayor, and countersigned by the city clerk under the seal of the city, and before delivery they shall be recorded in the office of the city clerk.

2. No person, having purchased a lot in the cemetery, shall be permitted to sell the same, but the city council may accept the surrender of a lot, or the unoccupied part thereof, when requested so to do, by refunding to the purchaser a sum not exceeding the original price.

SEC. 80.2 CARE BY LEISURE SERVICES DIRECTOR. All lots in the cemetery, the care of which is provided for by a deposit in the permanent care fund, shall be especially under the charge of the director, who shall properly seed the same as often as required, keep them mowed during the summer season, cut all grass around any marker or monument, and at all times keep such lots in a clean and attractive condition. At the request of any owner of such lot, the director may make needed repairs to any marker or monument and render a bill to the owner for the cost of the same, which if not paid within a reasonable time shall be assessed to such owner and lot as provided in Section 80.3.

SEC. 80.3 CARE--GENERALLY--ASSESSMENT. No person, other than the owner or their heir, or a near relative or intimate friend, working without compensation, shall be permitted to care for any of the lots in the cemetery; but all lots for the care of which no provision has been made by a deposit in the permanent care fund shall be properly cared for by the duly authorized director under the direction of the city council. A special assessment of one cent per square foot shall be made against each and every occupied lot in the cemetery, where no other provision has been made, for the care of the same, payable at the office of the city clerk, without notice, on or before May 1st, of each year, and such assessment shall be delinquent on the first day of October following, at which date a penalty of twenty-five percent (25%) shall be added; and no further burials shall be made on any lot on which an assessment is due until the same, with all penalties, have been paid in full.

SEC. 80.4 LOT ALTERATIONS. It is unlawful for any person to place any coping around any lot in the cemetery, or to raise the surface of any lot more than six inches above the abutting street or walk, or to mound up any grave above the surface of the lot, more than three inches, but all lots shall be kept to a smooth and level grade.

1. Coping placed prior to the passing of the ordinance codified herein shall not be repaired and shall, upon order of the leisure services director, be removed when it becomes unsightly or in need of repair.

2. No tree, vine or shrub or other thing shall be planted on any lot except under the supervision and with the permission of the leisure services director; and no refuse or litter of any kind shall be left on any lot, or placed on the lot of another, or in the streets or alleys, nor shall any decayed flowers, shells, toys or metal designs, or any other unsightly thing, be left on any lot for a period longer than three days; otherwise it shall be the duty of the director to remove the unsightly thing, without notice.

3. Vases or urns for holding flowers, if neat and attractive, and of a permanent character, and soldiers' markers, if approved by the director, may be maintained at all times.

SEC. 80.5 REPAIRS. Should any monument, marker or other adornment become dilapidated, unsightly or objectionable to the director, the director shall notify the owner by mail, if his address is known, to make such repairs as may be required, or remove the same, within thirty days from the date of mailing such notice; at the expiration of which time, if compliance has not been made, it shall be the duty of the director to cause such repairs to be made, or such objectionable thing to be removed, who shall report the cost to the city clerk, and a special assessment shall be made against such owner, if known, and against such lot, covering the cost of such work, as provided in Section 80.3.

SEC. 80.6 BURIAL ON LOT OF ANOTHER. The director is strictly forbidden to permit the burial of any person on the lot of another, without the express written permission of the owner, his heirs or legal representative.

SEC. 80.7 OWNERSHIP RECORDS. It shall be the duty of the city clerk to keep a record showing the names of all owners of lots in the cemetery, with lot and block or section number or section as herein required, and to collect the same from such owners, giving each a notice, by mail, to his last known address, before such assessment becomes delinquent.

1. In case of the death of any such owner, such notice shall be addressed to his next of kin, or to his legal representative, if he has one.

2. It shall be the duty of the city clerk to record, in the proper records of his office, all deeds for the purchase of lots, before delivery, and to do and perform all other acts and things required of him for the enforcement of these regulations.

SEC. 80.8 DIRECTOR'S DUTIES. It shall be the duty of the director to take full charge of the cemetery, under the general direction of the city council, and to see that these rules and regulations are, at all times, strictly complied with; to report to the city council any infractions of the same on the part of the owners, or any other person.

1. The director shall submit all controversies, relative to the duties, to the leisure services commission for adjustment, and, in general, do and perform all acts and things reasonably required of such officer, whether expressly mentioned herein or in his contract, necessary and proper for the maintenance of the cemetery.

2. The director shall especially keep all lots, streets, paths and grounds in the occupied part of the cemetery mowed during the summer season, and he shall properly care for all shade and ornamental trees in the cemetery.

3. The director shall do all proper acts and things necessary to maintain the grounds set apart for the burial of the dead in a neat, clean and attractive condition at all times.

SEC. 80.9 OPENING AND CLOSING GRAVES. The director shall have opened and closed all graves, except as otherwise provided for herein, and shall immediately remove all surplus dirt and other litter from the lot, and shall officiate at all interments, and conduct the funeral cortege to and from the place of burial, in an orderly manner.

1. A suitable canvas shall be supplied the director, who shall spread the same over the excavated dirt, screening the grounds from the unsightly appearance of such excavation, and when requested to do so he shall line the grave, and do such work in and about the premises as the owner may require, for which he shall make a charge for the actual cost of materials and of the reasonable labor employed in the performance of such work.

SEC. 80.10 MONEYS DISPOSITION. All moneys received by the director under these rules and regulations shall be paid to the city finance director within thirty days after receipt, who shall in turn deposit the moneys with the city treasurer.

SEC. 80.11 PROHIBITED ACTS. Any person or persons who congregate in the cemetery for any unlawful purpose, or any person who commits any act of vandalism therein, or creates a disturbance to the annoyance of others, or who uses any loud, boisterous, profane or indecent language, or who indecently exposes his person or the person of another within the cemetery, is guilty of a misdemeanor.

SEC. 80.12 LOT PURCHASE PRICE. All lots in the cemetery shall be sold at such prices as the city council may, from time to time, provide; and such part thereof as the city council may at any time designate shall be sold at a price to include their permanent care. Such part of the purchase price as it may determine shall be placed in the permanent care fund and the balance in the cemetery fund.

SEC. 80.13 RULES AND REGULATION DEVELOPMENT. The leisure services commission of the city council shall have the authority and it shall be their duty to formulate such rules and regulations as they may deem necessary and proper for the administration of the affairs of the cemetery. Any person guilty of a violation of any rule or regulation is guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

CHAPTER 81

THREE RIVERS PARK

Sections:

81.1 Area Designated.
81.2 Regulations.
81.3 Municipal Water Use.

SEC. 81.1 AREA DESIGNATED. The body of water and land adjacent thereto which lies immediately north of the municipal power plant southeast of the Cedar River along the north city limits is designated as "Three Rivers Park."

SEC. 81.2 REGULATIONS. It is the declared public policy of the city council that the park shall be a game refuge and shall be subject to the following regulations:

1. No person, firm or corporation shall use said body of water for swimming or boating, except for the maintenance of the park.

2. No person, firm or corporation shall drive or ride, or permit to be driven or ridden, any motor vehicle, motorcycle, bicycle or horse on or along the dikes surrounding said body of water, except authorized vehicles for the purpose of maintenance of the park and the municipal power plant.

SEC. 81.3 MUNICIPAL WATER USE. The city council reserves the use of said pond for cooling the engines located in the municipal power plant and for removal of water from and discharging into said pond, which water is utilized in cooling processes and without regard to conservation standards.

CHAPTER 82

CEDAR RIVER RECREATION AND REGULATIONS

Sections:

82.1 Definitions.
82.2 Boat Operation Rules Compliance Required.
82.3 Boat Registration Numbers.
82.4 Boat Lights.
82.5 Restricted Areas and Hours.
82.6 Boat Traffic Rules.
82.7 Legal Operation.
82.8 Negligent Operation and Speeding.
82.9 Emergencies.
82.10 Docks and Wharves.
82.11 Procedure on Arrest.
82.12 Cutting Cedar River Ice--Prohibitions.
82.13 Cutting Cedar River Ice--Conditions.
82.14 Fishing in Portion of Waterworks System Prohibited.
82.15 Fishing From Bridges Prohibited.
82.16 Interference with Safety Cable Over Cedar River Dam.

SEC. 82.1 DEFINITIONS. When used in this chapter, the following words and terms shall have the meanings set forth in this section:

1. "Boat" means any vessel, including rafts, barges, canoes, rowboats or sailing vessels.
2. "Motorboat" means any vessel propelled in whole or part by an engine, motor or machinery, including vessels temporarily equipped with detachable motor.

3. "Person" means any individual, firm, corporation or partnership.

SEC. 82.2 BOAT OPERATION RULES COMPLIANCE REQUIRED. Every person or owner in control of any boat, while operating the same upon the Cedar River within the city limits, shall observe and conform to the rules and regulations established by this chapter.

SEC. 82.3 BOAT REGISTRATION NUMBERS. All boats capable of a speed of eight miles per hour or more, required to be registered with the State Conservation Commission or Coast Guard, shall have a registration number plainly marked upon both

sides of the bow in figures not less than four inches in height in a color contrasting with the color of the boat. Numbering which conforms with Coast Guard requirements shall be sufficient.

SEC. 82.4 BOAT LIGHTS. All boats operating after sunset and before sunrise shall display lighted running lights during such period as follows:

1. A white light aft, to show all around the horizon;

2. A green light on the starboard side and a red light on the port side, or a combination red and green light in the fore part of the boat;

3. All canoes and rowboats shall have a white light aft, plainly visible for three hundred sixty feet.

SEC. 82.5 RESTRICTED AREAS AND HOURS.

1. No person shall operate a motorboat south of the Chicago Great Western Railroad Bridge before noon on any Sunday.

2. Water skiers, surfboard riders or aquaplanes or boats towing any of them, shall not come closer than twenty-five feet to any dock, boats or people along the bank participating in other activities, such as fishing, swimming, etc.

3. A boat or water craft shall not be operated at a speed in excess of 10 miles per hour before 7:00 a.m. or after 9:00 p.m. with the exception of special water events approved by the city council.

4. The area from the dam north 100 feet shall be considered a restricted area for recreational activities and such activities as boating, fishing and swimming shall be prohibited in this area at all times.

SEC. 82.6 BOAT TRAFFIC RULES. Boat traffic shall be governed by the following rules:

1. Meeting. When two boats are approaching each other in a head-on position, as to involve risk of collision, it shall be the duty of each boat to bear to the right and pass the other boat on its left side.

2. Crossing. When boats approach each other obliquely or at right angles, the boat approaching on the right shall have the right-of-way.

3. Overtaking. One boat may overtake any other on either side, but must grant right-of-way to the overtaken boat.

4. Approaching Dock. A boat approaching a dock or landing shall yield the right-of-way to any boat backing from such landing or docking.

SEC. 82.7 LEGAL OPERATION. It is unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha, unless the same is provided with a stock factory muffler, underwater exhaust or other modern device capable of adequately muffling the sound of the exhaust of the engine. "Adequate muffling" means that the motor exhaust at all times is so muffled or suppressed as not to create an excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device. No boats propelled by airplane-type propellers shall be operated without adequate and proper safeguards to prevent damage or injury by rotating propeller.

SEC. 82.8 NEGLIGENT OPERATION AND SPEEDING.

1. Every operator of a motorboat shall at all times navigate the same in a careful and prudent manner and at such rates of speed as not to endanger the life, limb or property of any person.

2. No person shall operate a motorboat at a rate of speed greater than will permit him, in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

3. Nothing within the provisions of this section shall be construed to mean that the operator of a motorboat actually competing in a race or regatta, which is sanctioned by the Waverly Boat Club, shall not attempt to attain high speeds on a marked racing course.

SEC. 82.9 EMERGENCIES. All boat traffic during an emergency shall be under the direction of the police department of the city.

SEC. 82.10 DOCKS AND WHARVES. The erection and maintenance of all docks and wharves on public property shall be subject to the approval of the mayor and city council. No dock or wharf shall hereafter be erected within the city limits until the detailed plan thereof has been submitted to the mayor and written permission granted by the mayor for the construction.

SEC. 82.11 PROCEDURE ON ARREST. Whenever a peace officer or enforcement officer has reasonable cause to believe that a person has violated any provision of this chapter, any such officer may:

1. Arrest such person and take him before the mayor's court in the city; or

2. Without arresting prepare in triplicate a written summons to appear in court,

3. containing the name and address of such person, the offense charged and the time and place where such person shall appear to answer the charge. Any person who fails to appear at the time and place designated in the summons is guilty of a misdemeanor and shall be punished accordingly.

SEC. 82.12 CUTTING CEDAR RIVER ICE--PROHIBITIONS. It is unlawful for any person, firm or corporation to cut or make holes of any size or for any purpose whatsoever in the ice of the Cedar River within the city limits, except in strict compliance with the conditions in this section and Section 82.13.

SEC. 82.13 CUTTING CEDAR RIVER ICE--CONDITIONS. Any person, firm or corporation cutting or making air holes in the Cedar River as aforesaid shall erect and maintain at such place a red flag in plain view during all hours of the day, and the dimensions of such flag shall be not less than twelve inches by eighteen inches, and the same shall be securely attached to a pole, and such person, firm or corporation shall erect and maintain at such place or places, in the same manner, a red-lighted lantern, during all hours of the night, for the purpose of warning persons of danger when going upon the river as aforesaid. Whenever the space made or cut in the ice exceeds eighteen inches in area, then, in that case, such person or persons are required to erect and maintain a substantial wire fence of two wires not less than thirty feet from the edge of the hole and four red flags during the day, and four red-lighted lanterns during the night, at each corner or side of the space so made, and any person violating the provisions of this section shall be subject to the penalty set forth in this code.

SEC. 82.14 FISHING IN PORTION OF WATERWORKS SYSTEM PROHIBITED. The use of any portion of any city-owned building or any part of the waterworks system of the city, including the municipal power plant, dam, sea wall and spillway, and also including the locks and retaining wall situated adjacent to the dam at the west side of the Cedar River, for fishing, is prohibited.

SEC. 82.15 FISHING OR JUMPING FROM BRIDGES PROHIBITED. The use of the Cedar River Parkway Bridge, the Waverly Rail Trail Bridge, the Bremer Avenue Bridge, the Adams Parkway Bridge, or any other bridge over the Cedar River, for fishing or jumping therefrom, is prohibited. (Amended this Section by Ordinance 1131, Published 10/10/2023)

SEC. 82.16 INTERFERENCE WITH SAFETY CABLE OVER CEDAR RIVER DAM. Any person who injures, removes, tampers or interferes with in any manner the safety cable erected over and across the Cedar River above the Cedar River dam is guilty of a misdemeanor.

CHAPTER 83

SIDEWALK, DRIVEWAY AND CURB CUT CONSTRUCTION

Sections:

83.1 Definitions.
83.2 Permit--Required--Fees.
83.3 Permit--Application--Issuance--Expiration.
83.4 City Specifications.
83.5 Permit--Revocation.
83.6 Inspection And Approval.
83.7 Sidewalk Construction, Reconstruction And Repairs--Notice--Assessments.

SEC. 83.1 DEFINITIONS. As used in this chapter:

1. "Director" means the public works director.

2. "Driveway" means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.

3. "Person" means any individual, firm, corporation, trust or other association.

4. "Property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

SEC. 83.2 PERMIT--REQUIRED--FEES.

1. No person, other than those under contract with the city, shall construct, reconstruct or repair any sidewalk, driveway or curb cut without having first obtained a permit signed by the public works director.

2. The fees for the permit shall be based upon the total value of the work to be performed. These fees shall be as adopted by resolution of the city council.

3. These fees shall be deposited in the city treasury not later than the tenth day of the month following the month in which they were collected, with a written report to the city clerk of the amounts and sources.

SEC. 83.3 PERMIT--APPLICATION--ISSUANCE--EXPIRATION. The application for a permit required by Section 83.2 shall be upon a form furnished by the city and shall contain the name of the owner of the property, a description of the lot, lots or parcels of ground upon which the work is to be performed, the name and address of the person who will perform the work, the proposed plan of the work to be performed, and a statement that the work to be performed shall be in accordance with this chapter and with the city specifications in force. The director shall issue the permit bearing the authorization signature and the date of issuance, if the proposed plan meets all of the requirements of this chapter and the city specifications, if the fee required under this chapter has been paid, and if the work to be performed will not create any substantial hazard in the use of any street or sidewalk for public travel or drainage or create any defect. Each permit shall expire six months from the date of issuance.

SEC. 83.4 CITY SPECIFICATIONS. Any construction, reconstruction or repairs made pursuant to this chapter shall be in accordance with city standard specifications which are in force and governing the work. The standard specifications shall be retained in the office of the director and shall be made available to any person upon request.

SEC. 83.5 PERMIT--REVOCATION. The director may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

SEC. 83.6 INSPECTION AND APPROVAL. The work performed pursuant to this chapter shall be inspected and approved in writing by the director within thirty days after completion of the work. The director shall maintain a record of such approvals in his office. If he refuses to approve the work, it must be corrected immediately so that it will meet with his approval. If the work has been done improperly, the director shall have the right to finish or correct the work and the council shall assess the costs to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

SEC. 83.7 SIDEWALK CONSTRUCTION, RECONSTRUCTION AND REPAIRS--NOTICE--ASSESSMENT.

1. Whenever the council desires to order the construction, reconstruction or repair of any permanent or temporary sidewalk along any property fronting on any street within the city limits, it shall do so by a resolution to that effect, which resolution shall describe the location of the sidewalk with reference to the lot or property line and the street, and the time within which the construction shall be completed by the owner of property abutting thereon, after being notified thereof as provided in this section.

2. The city clerk shall be ordered and directed to serve the resolution upon each owner of the property abutting the sidewalk by certified mail. The resolution shall describe the location of the sidewalk with reference to the lot or property line and the street as it specifically refers to the owner. Returned receipt shall be full proof of service of the resolution.

3. In case the owner of property fronting on a sidewalk ordered to be constructed, reconstructed or repaired pursuant to this section, fails, neglects or refuses to construct, reconstruct or repair such sidewalk within thirty days from the date of deposit of notice in the mail, unless the time is extended by a resolution, the council shall construct, reconstruct or repair such sidewalk under the direction and supervision of the director.

4. Upon completion thereof, the director shall return to the council an itemized statement of the cost and expense thereof opposite each lot, part of lot or parcel of land along which the construction, reconstruction or repair of the sidewalk has been made, with the name of the owner thereof, if known, and thereupon the council shall, by resolution, declare an assessment against such lot, part of lot or parcel of land of the cost of such construction, reconstruction or repair, together with all the costs and expenses connected therewith, and the city clerk shall certify the same to the county auditor in the manner provided by law and the same as for other taxes.

5. The resolution shall be introduced at a regular meeting of the council, but it shall not be passed, nor shall such tax be assessed or levied before the next regular meeting following the introduction of the resolution. After the resolution has been introduced, it shall be published at least once in a newspaper published in the city.

6. During the time provided in the notice required in this chapter, the property owner may procure a permit as provided in this chapter and build or have built a sidewalk at his own expense, but such sidewalk, when completed, shall conform strictly with this chapter and the plans and specifications in force. Nothing in this chapter shall be construed to prevent a property owner, at any time, from procuring a permit, as provided in this chapter, and constructing or reconstructing a sidewalk, either permanent or temporary, as the case may be.

CHAPTER 84

EXCAVATIONS AND OBSTRUCTIONS

Sections:

84.1 Obstructions--Prohibited/Exceptions.
84.2 Obstructions--Awnings/Canopies.
84.3 Obstructions--Waterspouts, Troughs and Gutters.
84.4 Excavations--Definitions.
84.5 Excavations--Permit--Required.
84.6 Excavations--Permit--Application.
84.7 Excavations--Permit--Issuance.
84.8 Excavations Prohibited During Winter Months.
84.9 Excavations--Deposit and Bond.
84.10 Excavations--Additional Permit Not Required When.
84.11 Excavations--Right Of City To Do Work.

SEC. 84.1 OBSTRUCTIONS—PROHIBITED/EXCEPTIONS.

A. It is unlawful for any person or corporation to place, cause to be placed or allow to be deposited or placed over, into or upon any of the public highways, streets, avenues or alleys of the city any obstructions or materials whatsoever, including any building, fence, structure, projection, lumber, timber, brick, stone, soil, gravel, manure, refuse or other material, except for the purpose of construction, or lawful repair of such street. The person or entity in control of a construction site is responsible for preventing the track out of materials. The fine for a first offense violation is set at $100 and $250 for second and subsequent offenses. In addition, the City shall be entitled to recover the actual costs of providing clean-up of materials deposited in the public streets from those responsible for the track out or obstruction.

B. No person shall place any obstruction on any public sidewalk, except that in the downtown along West and East Bremer Avenue from 5th Street West to 4th Street East, temporary stands, tables or other displays may be placed on the downtown sidewalks for the sale of goods or merchandise during special promotional events as approved by the City Administrator. Such stands, tables or other displays shall not completely block use of the sidewalk and shall only remain on the sidewalk during the event and when the adjoining retail store is open to the public.

C. Benches, planters, trees, public art, trash receptacles or other commonly accepted elements of streetscape approved for placement by the Waverly City Council after review and recommendation by the Leisure Services Commission and the Design Committee of the Waverly Chamber of Commerce are allowed on sidewalks in the downtown along West and East Bremer Avenue from 5th Street West to 4th Street East and on adjacent side streets. Decorations, plantings and promotional items may also be placed by merchants near storefronts in the downtown, but shall not extend into the sidewalk area more than 36 inches and shall be placed as close as possible to the storefront.
(Ord. 1055 2/12/19)

SEC. 84.2 OBSTRUCTIONS—AWNINGS/CANOPIES. No person shall erect any awning or canopy on any building within the city, which projects over the street or is supported by any structural member placed within the street right of way, and in every case, there shall be a clearance of at least eight feet between the awning/canopy and the sidewalk or pavement below. (Ord. 1055 2/12/19)

SEC. 84.3 OBSTRUCTIONS--WATERSPOUTS, TROUGHS AND GUTTERS. It is unlawful for any person to cause the waterspouts, troughs or gutters from any building owned or leased by that person to discharge or conduct water upon the surface of any sidewalk in the city, but permission may be given by the city to conduct water over or under any sidewalk with the approval of the public works director.

SEC. 84.4 EXCAVATIONS--DEFINITIONS. The following definitions shall apply to all terms and provisions of Sections 84.5 through 84.10.

1. "Driveway surface" includes all driveway surfaces within the limits of streets, avenues or alleys within the city, other than "pavement surface" as defined herein, whether of earth, gravel, cinders, bituminous or other materials.

2. "Pavement surface" includes all pavements, pavement surfaces, sidewalks and all other appurtenances or construction within the limits of streets, avenues and alleys in the city.

SEC. 84.5 EXCAVATIONS--PERMIT--REQUIRED. It is unlawful for any person, firm or corporation to excavate or dig, except to plant or remove trees, or to place building or other material, or to erect barricades, false work, form work, or place other obstructions within the limits of any street, avenue or alley, or to cut into or through or excavate along or under any pavement surface or driveway surface, without first obtaining written permission from the director of public works to do such work and without doing such work in the time and manner as specified in such permit.

SEC. 84.6 EXCAVATIONS--PERMIT--APPLICATION. Before beginning any of the work specified in Section 84.5, the person, firm or corporation desiring to do such work shall make application to the director of public works for a permit. Such application shall specify the location and extent of the proposed work, the manner and method of doing the same, and the time during which the work will be in progress.

SEC. 84.7 EXCAVATIONS--PERMIT--ISSUANCE. The public works director may, upon proper application, issue a permit for any of the work specified in Section 84.5, specifying therein such regulations and restrictions as the public works director may deem necessary to insure the safety and convenience of the public and to restore the street surfaces damaged by such work in the most satisfactory manner.

SEC. 84.8 EXCAVATIONS PROHIBITED DURING WINTER MONTHS. Permits for excavations under this chapter shall not be issued for work to be performed between November 15th and March 15th of each year, except in the case of emergency or other compelling circumstances.

SEC. 84.9 EXCAVATIONS--DEPOSIT AND BOND. Before issuing a permit for cutting into or through a pavement surface or street surface, the public works director shall require the person, firm or corporation making application for such permit to make a cash payment to the city clerk in sufficient amount to reimburse the city for all costs and expenses for work done or to be done by the city in connection with such permit and the increased maintenance cost of the pavement surfaces or street surfaces due to such work. The payments required shall be based upon schedule of charges maintained and available to the public on the office of the public works director.

The public works director shall, in addition to the above charges, require the person, firm or corporation doing such work to file with the city clerk an approved surety company bond in the amount of one thousand dollars to indemnify the city against claims for accidents or property damage arising from or occasioned by such work.

SEC. 84.10 EXCAVATIONS--ADDITIONAL PERMIT NOT REQUIRED WHEN. The issuance of a plumbing permit by the city for sewer and water connections shall be construed as granting permission to a licensed master plumber to do such excavation within the limits of any street, avenue and alley other than cutting into or through or excavating under any pavement surface, as may be necessary to properly execute the work included in the plumbing permit. Such work shall, however, be done under the supervision of the public works director and in such manner as the director may direct.

SEC. 84.11 EXCAVATIONS--RIGHT OF CITY TO DO WORK. The public works director may reserve the right to perform all or such portions of the work of cutting into or through or excavating along or under pavement surfaces, including the backfilling of trenches and pavement surfaces repairs, as the director may deem necessary to fully protect the city from undue injury or excessive repair to such pavement surfaces.

CHAPTER 85

STREET AND ALLEY GRADES

Sections:

85.1 Grade Book.

SEC. 85.1 GRADE BOOK. All grades for streets and alleys within the city are recorded and maintained in a book known as the "Grade Book for the City of Waverly, Iowa," which book is in the custody of the public works director.

CHAPTER 86

WIDTH OF STREETS AND ALLEYS

Sections:

86.1 Record.
86.2 Widths in New Additions.

SEC. 86.1 RECORD. The width of all streets, highways, avenues and alleys within the city shall be recorded and maintained in a ledger which shall be in the custody of the public works director. Said widths are now and shall hereafter be the official widths for the streets, highways, avenues and alleys within the city, unless subsequently changed by ordinance.

SEC. 86.2 WIDTHS IN NEW ADDITIONS. The city council shall provide that the width of all streets, highways, avenues and alleys of all additions to the city shall conform to the width of the existing streets, highways, avenues and alleys; however, the city council has authority to make exceptions in those cases where, because of the natural contour of the land and buildings heretofore constructed, it would be impractical to require the full width to be extended.

CHAPTER 87

RAILROAD REGULATIONS

Sections:

87.1 Definitions.
87.2 Warning Signals.
87.3 Operation.

SEC. 87.1 DEFINITIONS. Terms used in this chapter shall be defined as follows:

1. Railroad Train. The term "railroad train" means any steam, electric, or other motor driven engine with or without cars coupled to such engine, provided that it operates to travel on rails.

2. Operator. The term "operator" means any person, including an individual, partnership, corporation, association or organization that supervises the operation of a railroad train.

SEC. 87.2 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring a bell continuously until the crossing is passed.

SEC. 87.3 OPERATION. A railroad train shall not be operated in a manner as to prevent vehicular use of any throughway for a period of time that exceeds ten (10) minutes except in the following situations:

1. Signals. When it is necessary to comply with signals that they may affect the safety of the movement of the railroad train.

2. Avoidance. When it is necessary to avoid striking any object or person on the track.

3. Disabled. When the railroad train is disabled.

4. Safety Regulations. When it is necessary to comply with governmental safety regulations including laws relating to the rate of speed that vehicles must travel.

5. In Motion. When the railroad train is in motion except when engaged in switching operations.

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

7. Crossing maintenance. Operators shall construct and maintain good, sufficient and safe crossings that are located over a throughway.

8. Flying Switchings. No operator shall cause any railroad car that is unattached to an engine, to be propelled across an intersection of throughways in order to make a "flying switch" unless a qualified person, including an employee of the railroad, is stationed at the intersection to provide warning of a car's approach.

9. Speed. It shall not be lawful to operate a railroad train through an intersection of throughways within the city at a speed greater than thirty-five (35) miles per hour. However, when the railroad train is operated on Federal Railroad Administration Classification (FRA), Class Four (4), continuous welded rail and bed, its speed shall not exceed the following maximum speeds:

    a. Coal and Grain Railroad Trains. Forty (40) miles per hour.

    b. All Other Railroad Trains. Fifty-five (55) miles per hour.

CHAPTER 88

(Amended by Ordinance 1128, Published 09/26/2023)

STREET CLOSINGS FOR BLOCK PARTIES

Sec. 88.3 BLOCK PARTIES

88.01 Purpose
88.02 Definitions
88.03 Regulation
88.04 Prohibited Acts
88.05 Denial of Request
88.06 Request for Hearing
88.07 Fees

SEC. 88.01 PURPOSE.

The City of Waverly, believing there is a benefit in encouraging a sense of community within neighborhoods, will permit the use of public rights-of-way for neighborhood “block parties”. The City of Waverly establishes reasonable and necessary regulations of block parties in the best interest of public health, safety, and welfare of the residents and citizens.

SEC. 88.02 DEFINITIONS.

(a) "Block Party” shall mean a neighborhood social event intended to take place on a public roadway or city-owned right-of-way. The purpose of such neighborhood event should benefit all persons whose property abuts the section of the street to be closed and is not intended to be used for a private benefit of a specific property owner (birthday parties, anniversaries, etc.)

(b) "Public roadway” is any street, road, thoroughfare, alley or highway that provides vehicular and/or pedestrian access to the general public.

(c) “Applicant” means the responsible party who has filed a written application for a block party.

(d) “Arterial Roadway” means a major or main route designed to carry larger volumes of traffic.

SEC. 88.03 REGULATION.

The applicant must sign the Block Party Application and agree to the Block Party Guidelines as prescribed by the City of Waverly City Council.

(a) The applicant must sign the Block Party Application and agree to the Block Party Guidelines as prescribed by the City of Waverly City Council.

(b) The applicant must sign a statement holding the City of Waverly, its officers and employees, whether elected or appointed, harmless from any and all liability arising from the street closure.

(c) Application must contain signatures from adjoining property owners.

(d) Streets shall only be blocked using barricades provided by the Public Works Department.

(e) The section of street to be closed shall only extend one block (cross-street to cross-street).

(f) Alcohol (Beer and Wine) is allowed as long as it is not sold. Liquor is not allowed and can only be approved if a Class C Liquor License is obtained.

SEC 88.04 PROHIBITED ACTS.

a. No person may conduct a block party without prior approval pursuant to Section 88.3.03.

b. All Alcohol and Liquors cannot be provided to those attendees under the age of twenty-one (21).

c. Fireworks will not be permitted.

d. No fires are permitted upon the roadway or public property.

e. Driving of stakes or affixing objects to the public roadway in a manner that causes damage.

SEC 88.05 DENIAL OF REQUEST.

The City Administrator or designee will consult with staff, and approve or reject the application. Applications may be rejected if, in the sole judgment of the City, granting the application would not be in the best interest of the public health, safety, or welfare, through excessive traffic, causing parking congestion, blocking access to other properties, or reducing access for emergency vehicles; or if the public health, safety or welfare was negatively affected by previous block parties in the same location or sponsored by the applicant; or if the applicant has previously failed to live up to their responsibilities as sponsor of a block party as outlined in this section; or if the applicant has supplied false information on the Block Party Application Form or failed to sign the Block Party Guidelines and Liability Statement.

SEC 88.06 REQUEST FOR HEARING.

An applicant may appeal, in writing, the City Administrator's decision to the city council. The appeal will be heard before the city council at a time and date fixed by council. Findings of the council shall be conclusive.

SEC. 88.07 FEES.

A fee shall be collected upon completion of the Block Party Application. These fees are administrative fees and equipment rental.

(Chapter 88 – Street Closings for Block Parties; Amended September 26, 2023 by Ordinance Number 1128)

CHAPTER 89

MAINTENANCE TO RIGHT-OF-WAY

SEC 89.01. Responsibility Of Property Owner: It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, in conformity with the standards and requirements all applicable ordinances and requirements, including Waverly Municipal Code Chapter 64, except for tree removal and maintenance as addressed in Waverly City Code Chapter 57 Tree Ordinance.

SEC 89.02. Failure To Maintain: If the abutting property owner does not perform an action required under the above section within a reasonable time, the city may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

CHAPTER 90 BUILDING CODE

90.1 Purpose
90.2 Title
90.3 Transition Period
90.4 Permit Fees, Exemption From Permits
90.5 Board of Appeals
90.6 Bonding and Insurance
90.7 Electrical Licenses
90.8 Plumbing Licenses
90.9 Moved Buildings and Temporary Buildings
90.10 Unsafe Buildings
90.11 Unsafe Appendages
90.12 Flood Plain
90.13 International Building Code
90.14 International Residential Code
90.15 Uniform Plumbing Code
90.16 International Mechanical Code
90.17 International Fire Code
90.18 International Fuel Gas Code
90.19 International Existing Building Code
90.20 National Electrical Code
90.21 Enforcement
90.22 Repealer
90.23 Severability Clause
90.24 Effective Date

90.1 PURPOSE

An ordinance regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of buildings and/or structures in the City of Waverly, Iowa, to provide minimum standards to safeguard life or limb, health, property and public welfare.

90.2 TITLE

Building Code – Except as herein after added to, deleted, modified or amended, there is hereby adopted as the Building Code of the City of Waverly, Iowa, that certain Building Code known as the:

International Building Code 2024 edition (herein after known as the IBC)

International Residential Building Code 2024 edition (herein after known as the IRC)

State Adopted Plumbing Code - current edition (herein after known as the UPC) with amendments (IAC 641-25)

International Mechanical Code 2024 edition (herein after known as the IMC)

International Fire Code 2024 edition (herein after known as the IFC)

International Fuel Gas Code 2024 edition (herein after known as the IFGC

International Existing Building Code 2024 edition (herein after known as the IEBC),

All as published by the International Code Council, Inc. in cooperation with International Conference of Building Officials of Whittier, California and the National Electrical Code current edition (herein after known as the NEC) as published by the National Fire Protection Association and as adopted by the State of Iowa.

The provisions of said Building Code shall be controlling in the construction of buildings and other structures and in all matters covered by said Building Code within the City of Waverly, Iowa, and shall be known as the City of Waverly Building Code.

90.3 TRANSITION PERIOD

1. A construction project that is subject to the provisions of any rule contained in this code may comply with the requirements established either in the edition of the codes adopted herein or the requirements established in the edition of the same code previously in effect if the project is commenced no later than 120 days after the effective date of this code. For this provision to become applicable the submitter must have obtained signed contracts for the project prior to the effective date of this code and provide documentation to this effect to the Building Department.

90.4 PERMIT FEES, EXEMPTION FROM PERMIT

1. Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the schedule of fees, as determined and adopted by resolution of the City of Waverly City Council. A copy of the schedule of fees shall be on file in the office of the Building Official. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation fee in an amount equal to the permit fee or $250.00, whichever is higher, shall be collected whether or not a permit is subsequently issued.

2. Work Exempt from Permit-
   Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

   Building:

   a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.

   b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

   c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

   d. Sidewalks and driveways.

   e. Painting, papering, tiling, carpeting, and similar finish work.

f. Prefabricated swimming pools that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.

g. Swings and other playground equipment.

h. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

i. Replacement of storm doors, entrance doors and garage doors provided the size of the opening remains unchanged.

Electrical:

a. Listed cord-and-plug connected temporary decorative lighting.

b. Replacement of switches, receptacles and lighting fixtures to existing branch circuits.

c. Replacement of branch circuit overcurrent devices of the required capacity in the same location.

d. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

e. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved, permanently installed receptacles.

Gas:

a. Portable heating, cooking or clothes drying appliances.

b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

c. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

a. Portable heating appliances.

b. Portable ventilation appliances.

c. Portable cooling units.

d. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.

e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

f. Portable evaporative coolers

g. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.

h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

90.5 BOARD OF APPEALS

In order to hear and decide appeals concerning the suitability of alternate materials and methods of construction and to hear and decide appeals of determinations made by the Building Official or designated representative concerning interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of eight (8) members whose place of business, residence, or work is located in the jurisdictions served by the Bremer County, Iowa Building Department, and who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official or designee shall be an ex-officio member and shall act as Secretary of the Board of Appeals involving this Code. The Board of Appeals shall be appointed by the Bremer County Board of Supervisors and the Mayors of Denver, Readlyn, Janesville, Waverly & Plainfield. Each jurisdiction shall appoint one member with the exception of Bremer County and Waverly, who shall appoint two (2). The present Board members shall serve the remainder of their appointed terms or until their successors are duly appointed and qualified. All successive appointments or reappointments shall be for five-year terms. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The Board shall have no authority to waive requirements of this Code.

90.6 BONDING AND INSURANCE

1. General Contractor Insurance

No person, firm or corporation shall engage in the business of general contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of $50,000. No insurance shall be required for the following described work:

a. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures.

90.7 ELECTRICAL LICENSES

1. Licensing and Permit Acquisition

No person, firm or corporation shall engage in the business of Electrical contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of $50,000, and supplying the Building Department with a copy of their electrical license and the electrical license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.

a. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a "Master A or B" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master A or B" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

b. A State of Iowa licensed electrical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.

c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing or other such documents.

d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

e. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and

appurtenant accessory structures for electrical work, not to include dwelling service upgrade, replacement or the construction of new single-family dwellings pursuant to Iowa code Chapter 103.22.

f. Annual Permits. An industrial plant may apply for an annual permit to perform electrical work, for the maintenance and repair of electrical equipment, provided that the following requirements are satisfied:

1. The work must be performed on the premises of the industrial plant for the exclusive use of such plant.

2. The work must be performed by at least one Licensed Journeyman Electrician and all other persons employed by the firm to perform electrical work must be under the direct supervision of the Journeyman Electrician all of whom shall possess a valid license as issued by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103.

3. The work performed under the annual permit shall not include the installation of electrical power or distribution equipment to a new structure or extension to an existing structure.

90.8 PLUMBING LICENSES

1. Licensing and permit acquisition

No person, firm or corporation shall engage in the business of Plumbing or HVAC contracting in the City of Waverly without first supplying the Bremer County Building Department with a Certificate of Liability Insurance with minimum liability limits of $50,000, and supplying the Bremer County Building Department with a copy of their Plumbing and HVAC license and the license of any and all employees employed by the contractor, firm or corporation for a wage or salary issued by the State of Iowa Plumbing and Mechanical Systems Board.

a. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are

employed only when said "Master" has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.

b. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor shall perform the work for which the permit was obtained.

c. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Building Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, state of Iowa licensing, or other such documents.

d. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

e. Homeowners (owner/occupants) qualifying for the Homestead Tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, or any private on-site wastewater treatment system.

90.9 MOVED BUILDINGS AND TEMPORARY BUILDINGS

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permits from the Building Official or issuing authority for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistance, or time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

90.10 UNSAFE BUILDINGS

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, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures provided by local or state law. The Building Official is authorized to exercise emergency measures to protect the health, safety and public welfare of the community by certain procedures as follows:

1. Inspect the building and surrounding premises to determine the extent of dilapidation, damage, obsolesce, fire hazard and risk as an attractive nuisance.

2. Inform the owner or owner's agent of the unsafe, dangerous or hazardous condition which causes such building to be unsafe or an attractive nuisance.

3. Inform the owner or owner's agent of the applicable provisions of the Building Code and demand a commitment regarding a time schedule and manner of compliance with said Code.

4. Order the prompt boarding up of the windows, doors, and other openings of unsafe or vacant buildings to prevent unauthorized access or the perpetuation of an attractive nuisance during the time which is necessary to gain compliance with the Building Code.

5. Order the disconnection of any electricity supply to a building or structure when it is ascertained that the equipment or any portion thereof has become hazardous or unsafe.

6. Upon the failure of the owner or the owner's agent to comply with the order to close, board up and secure an unsafe building within a twenty-four (24) hour time period after receiving such order, the Building Official may cause the openings boarded up and secured, or the premises barricaded and fenced, and the unsafe conditions abated, with the cost of such construction, barricading, fencing and abatement to be assessed against the property.

90.11 UNSAFE APPENDAGES

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in this Code, are hereby designated unsafe and as such are public nuisances and shall be abated in accordance with the local or state laws governing.

90.12 FLOOD PLAIN

All references to construction standards in the flood plain found in the IBC & IRC shall be referred to those standards as adopted in state and local ordinances.

90.13 INTERNATIONAL BUILDING CODE

The IBC shall be adopted in its entirety except for the following:

1. Section 101.4.4 Property Maintenance- Delete reference International Property Maintenance Code and insert in lieu thereof the following: 2024 International Building Code.

2. Section 105.2 Work exempt from a permit- Delete the section. Refer to section 90.4 of this ordinance

3. Section R111.2 Amend to read "After the building official inspects the building or structure and does not find any violations of the provisions of this code or other ordinances as enforced by the City of Waverly, the building official, upon City approval, shall issue a certificate of occupancy…"

4. Section 113, Board of Appeals- Delete section. Refer to 90.5

5. Delete Chapter 13 Energy Efficiency and insert in lieu thereof International

Energy Conservation Code as adopted by the State of Iowa and any subsequent amendments thereto.

6. Delete Section 1608.2 and insert in lieu thereof the following:

   Ground Snow Load- The ground snow load to be used in determining the design snow load for roofs is hereby established at 35 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load. Wind speed and ground snow load in accordance with ASCE 7 Hazard Tool.

7. Section 1809.5 Delete exceptions #1-3

8. Chapter 27, Electrical- Delete chapter. Reference State adopted edition of the National Electrical Code.

9. Chapter 29, Plumbing Systems – Delete Chapter. Reference State adopted Plumbing Code

10. Appendix chapters are for reference only.

90.14 INTERNATIONAL RESIDENTIAL CODE

The IRC shall be adopted in its entirety except for the following:

1. Section R105.2 Work Exempt from Permit- Delete the section. Refer to Section 90.4 of this ordinance.

2. Section R110.2 Amend to read "After the building official inspects the building or structure and does not find any violations of the provisions of this code or other ordinances as enforced by the City of Waverly, the building official, upon City approval, shall issue a certificate of occupancy…"

3. Section R112 Board of Appeals- Delete section. Reference 90.5

4. Table R301.2(1) shall read as follows:

   a. Ground Snow Load -- 35 PSF
   b. Wind Speed—109 MPH (3 second gust) or according to ASCE 7 Hazard Tool
   c. Topographic effects—No
   d. Seismic Design Category—A
   e Subject to Weathering Damage From, Weathering (severe), Frost line depth (42"), Termite (slight to moderate)
   f. Winter Design Temperature -- -10 degree
   g. Ice Barrier Underlayment Required –Yes
   h. Flood Hazards—FIRM dated 1/29/21 and FEMA authorized map amendments

i. Air Freezing Index—2500
j. Mean Annual Temp—45 degrees

5. Table R 302.1. (1) Amend by changing the fire-resistance rating of projections to 0-hours in lieu of 1-hour on the underside.

6. Delete Section R302.2.2 Common Walls.

7. Delete Section R302.3 and exceptions and insert a new section R302.3 to read as follows: Two Family Dwellings- Dwelling units in two family dwellings shall be separated from each other in accordance with section R302.2.1

8. Table R302.3.6 Delete any reference to "equivalent" material and changed to approved"

9. Section R302.5.1 Delete Self Latching

10. Table R302.6 Delete any reference to equivalent material

11. Delete Section R302.13 Fire Protection of Floors

12. Section R310.2.1 – Delete exception.

13. Delete Section R318.7.5.1. and insert a new Section R318.7.5.1 to read as follows:

Riser Height - The maximum riser height shall be 8 inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of an interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the riser exceed the maximum height of 8 inches. The riser shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter sphere. Exception: The opening

between adjacent treads is not limited on stairs with a total rise of 30 inches or less or on exterior stairs serving individual dwelling units

14. Section R320.5 - add an exception #3 to read as follows:

Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

15. Delete Sections 319.5.1, window fall protection.

16. Delete Section R309 Automatic Sprinkler Systems

17. Section R403.1.4.1- Delete exceptions #1& #2 and insert a new exception #1& #2 read as follows:

    Detached one story accessory buildings of light frame construction may be provided with a floating slab which shall include a thickened edge of a minimum 8 inches plus slab thickness and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick and reinforced with a minimum of # 4 reinforcement bars on two-foot centers.

    The perimeter or grade beam shall be reinforced with a minimum of two continuous #4 bars around the perimeter. The floor slab and grade beam shall be made in one continuous pour. The sub grade shall be free from all sod or other foreign material and shall be provided with a minimum 3 inches compacted aggregate backfill prior to installing the floor

18. Add to R601.2 Requirements - Where alteration or removal of any load bearing wall(s), a registered design professional or other qualified person as approved by the Building Official shall submit design documentation to confirm compliance with this code.

19. Delete Chapter 11 Energy Efficiency and insert in lieu thereof International Energy Conservation Code as adopted by the State of Iowa and any subsequent amendments thereto.

20. Section P3114.3- Amend by adding a third sentence to read as follows:
    Air admittance valves may only be used in conjunction with remodel & repair projects where in the opinion of the Building Official it would be impractical to install a vent which conforms to the venting provisions of this Code.

21. Adopt Appendix BE: Radon Control Methods.

22. Appendix chapters are for reference only.

90.15 STATE ADOPTED PLUMBING CODE

The provisions of the State adopted Uniform Plumbing Code with amendments, current edition as published by the Iowa Department of Public Health and as adopted by the State of Iowa in Administrative Code 661 Chapter 504 and any subsequent amendments thereto shall be adopted as the plumbing code for the City of Waverly, Iowa

90.16 INTERNATIONAL MECHANICAL CODE

The IMC shall be adopted in its entirety except:

1. Section 105.2 Permits not Required- Delete Section. Refer to Section 90.4 of this Ordinance
2. Section 112- Delete section. Reference 90.5
3. Appendix chapters are for reference only.

90.17 INTERNATIONAL FIRE CODE

The IFC shall be adopted in its entirety except:

1. Section 105 – Delete Section
2. Section 112- Delete section. Reference 90.5
3. Appendix chapters are for reference only.

90.18 INTERNATIONAL FUEL GAS CODE

The IFGC shall be adopted in its entirety except for the following:

1. Section 112- Delete section – Reference 90.5.
2. Appendix chapters are for reference only.

90.19 INTERNATIONAL EXISTING BUILDING CODE

The IEBC shall be adopted in its entirety except for the following:

1. Section 105.2- Delete Section – Reference 90.4.
2. Appendix chapters are for reference only

90.20 NATIONAL ELECTRICAL CODE

The provisions of the National Electrical Code, 2020 edition as published by the National Fire Protection Association and as adopted by the State of Iowa in Iowa Administrative Code 661 Chapter 504 and any subsequent amendments thereto shall be adopted as the electrical code for the City of Waverly.

90.21 ENFORCEMENT

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a Municipal Infraction. A Municipal Infraction is a civil offense punishable by a civil penalty of not more than five hundred dollars ($500.00) for each violation, or if the infraction is a repeat offense a civil penalty not to exceed seven hundred fifty dollars ($750.00) for each repeat offense. Nothing herein contained shall prevent the City of Waverly from taking such other lawful action as is necessary to prevent or remedy any violation.

90.22 REPEALER

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

90.23 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.

90.24 EFFECTIVE DATE

This ordinance shall be in effect on the 27th day of May, 2025, after its final passage, approval and publication as provided by law.

(Ordinance 1165 – Published on 5/27/25)

CHAPTER 91

RENTAL HOUSING CODE

SECTIONS:

91.1 Purpose
91.2 Housing Quality Standards
91.3 Off-Street Parking Regulations
91.4 Registration Requirements
91.5 Inspection
91.6 Contract Properties
91.7 HUD Inspection Certification
91.8 Rental Permit Required
91.9 Civil Penalties

Sec. 91.1 Purpose.

An ordinance intended to adopt a Rental Code to regulate and govern the conditions and maintenance of new and existing residential rental property, buildings and structures by providing housing quality standards to ensure that structures are safe, sanitary and fit for occupation and use. The ordinance shall provide for the registration, inspection, administration, enforcement and penalties. The ordinance shall be construed to secure its expressed intent to insure public health, safety and welfare as those are affected by the continued occupancy and maintenance of structures and premises.

Sec. 91.2 Housing Quality Standards.

This section sets forth the minimum housing quality standards (HQS) for rental housing subject to the Waverly Rental Housing Code. The HQS include minimum acceptability criteria for the following key aspects of housing quality. All rental housing must meet the HQS acceptability requirements both at commencement of use as rental property and at all times thereafter it is maintained and used as rental property.

(A) **Sanitary facilities**.

(1) The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.

(3) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.

(4) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.

(5) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(B) **Food preparation and refuse disposal**.

(1) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

(2) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).

(3) The dwelling unit must have adequate space and utility hook-ups for an oven, and a stove or range, and a refrigerator. The equipment may be supplied by either the Landlord or the Tenant. All equipment provided by the Landlord must be in proper operating condition.

(4) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(C) **Space and security**.

(1) At a minimum, the dwelling unit must have a living area, kitchen area, and a bathroom.

(2) The dwelling unit must have compliant sleeping rooms.

(3) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be capable of being opened and lockable (such as window units with sash pins or sash locks, and combination windows with latches).

(4) Exterior doors by which someone can enter or exit the dwelling unit must be lockable.

(D) **Thermal environment**.

(1) The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) There must be a safe system for heating the dwelling unit. The system must be in proper operating condition. The system must be able to provide adequate heat, either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.

(3) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(E) **Illumination and electricity**.

(1) Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) There must be at least one window in the living room and one window in each sleeping room.

(3) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.

(4) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(F) **Structure and materials**.

(1) The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment and rodents.

(2) Interior ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning; large holes; loose surface materials; severe buckling; missing parts; substantial areas of loose, flaking or chipping paint; or other serious damage.

(3) The roof must be structurally sound and weather-tight.

(4) The exterior wall structure and surface must not have any serious defects such as serious leaning; buckling; sagging; large holes; loose, substantial areas of flaking or chipped paint; or defects that may result in air infiltration or vermin infestation.

(5) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable. Handrails must be installed on all stairs with four or more risers.

(6) Porches and balconies more 30 inches high must have guardrails with openings not more than four inches wide.

(7) Gutters and downspouts must not be missing, loose or disconnected.

(8) Elevators must be working and safe.

(G) **Interior air quality**.

(1) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants that threaten the health of the occupants.

(2) There must be adequate air circulation in the dwelling unit.

(3) Bathroom areas must have one operable window or other adequate exhaust ventilation.

(4) Any room used for sleeping must have at least one operable window unless no egress is required.

(H) **Water supply.**

The dwelling unit must be served by an appropriate public or private water supply that is sanitary and free from contamination.

(I) **Lead-based paint**.

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to dwelling units under this Code.

(J) **Access**.

(1) The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(2) Every room used for sleeping above grade must have an egress window for escape compliant with the size requirements in the current building code, unless such room was designed and built as a sleeping room and was compliant at the time it was constructed. Any basement sleeping room must have an operable egress window compliant with the size requirements in the current building code unless the dwelling unit met the applicable building code and was approved by the building inspector when built because of sprinkling and outside access.

(K) **Sanitary condition**.

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. Units must be supplied with garbage and recycling containers.

(L) **Smoke detectors**.

Each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the

National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

(M) **Occupancy Limitations**.

Every sleeping room must have a minimum ceiling height of 7 feet. Every sleeping room occupied by one adult person shall contain a minimum of 70 square feet. Every sleeping room occupied by two adults shall contain a minimum of 120 square feet. No dwelling unit may be occupied by more than two adults in a one-bedroom unit, four adults in a two-bedroom unit and for three bedroom units and above, no more adults than the number of sleeping rooms plus one. For purposes of this section, an adult is someone 18 years of age or older who is not currently attending high school. There is no limitation on occupancy for children.

(N) **Accessory Structures**.

Garages, sheds and other accessory structures must be maintained in good condition. Walkways and sidewalks must be maintained in good repair.

Sec. 91.3 Off-Street Parking Regulations.

All dwelling units shall provide off-street parking as provided herein:

(a) Single or duplex dwelling units require a minimum of two spaces for each dwelling unit; three spaces for dwelling units with three bedrooms and four spaces for dwelling units with four or more bedrooms.

(b) Structures with multiple dwelling units require one space for each efficiency (studio) unit; one and one-half space for each one bedroom unit; two spaces for each two or more bedroom unit.

(c) Multiple dwellings for the elderly and disabled require three-quarters space per unit.

(d) Outside parking spaces in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space. Enclosed parking stalls in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space and a maximum of 340 square feet per stall.

(e) No one shall use more than one third of a front yard for off-street parking.

(f) Multi-family rental structures that were built to code as rental units regarding parking at the time of construction, shall be considered legal, although non-conforming. The owner of any other dwelling unit that had no practical space or alternative for the off-street parking required on the effective date of enactment of this Chapter, may apply to the Board of Adjustments for a variance of this section. For one year from the effective date of this Ordinance, any owner may petition the Board of Adjustments for a variance without the normal fee for said application.

Sec. 91.4 Registration.

All residential rental real estate located within the City of Waverly shall be registered with the City of Waverly by the owner of the property prior to renting such property to tenants as provided below:

(a) Registration shall consist of completing both a registration application and a self-inspection form and submitting those forms to the City with the registration fee. The information contained in both forms shall be

certified true and correct to the best knowledge of the applicant. The registration application and self-inspection form shall be maintained in the City records and available for public inspection. The registration application and self-inspection form information must be updated by the owner whenever the information provided in these documents has changed. No fee shall be payable for updating a current registration application and self-inspection form.

(b) Based upon a review of the application and self-inspection form, and an initial inspection if requested, the Code Enforcement Officer shall determine whether the property is in substantial compliance with the Waverly Rental Housing Code. If the property is in compliance, a Rental Permit shall be issued. If the property is inspected and the inspection report shows deficiencies, but those deficiencies do not render the unit unsafe or unfit for occupation and use, a Rental Permit shall be issued, but the owner shall have 60 days to correct any deficiencies identified. If the inspection shows deficiencies that render the unit unsafe and unfit for occupation and use, no Rental Permit shall be issued until such deficiencies have been remedied.

(c) The fee due upon initial registration shall be established by resolution of the City Council and is initially established below:

1.	Single unit	$20 per structure
2.	Structures with multiple units	$20 per structure/$3 per unit
3.	Rooming house	$20 per structure/$3 per unit

(d) Renting a residential rental dwelling unit to a Tenant without registering and without receiving a Rental Permit for said unit, shall be a violation of this Ordinance and punishable as a municipal infraction as provided herein under Section 91.8.

Sec. 91.5 Inspection.

All residential rental property located within the city limits of Waverly shall be subject to inspection by a City Code Enforcement Officer as provided below:

(a) The owner of residential rental housing shall schedule and have completed an inspection prior to receiving a Rental Permit if an initial inspection is requested by a City Code Enforcement Officer, or within sixty (60) days of receiving Notice to Schedule Inspection from a City Code Enforcement Officer, if a Rental Permit has already been issued.

(b) If the inspection reveals that the property is not in compliance with the Waverly Rental Housing Code, the inspector shall provide the owner with a copy of the inspection report specifying the improvements or repairs required in order to bring the inspected property into compliance. The owner shall have sixty (60) days to bring the property into compliance. A re-inspection shall be completed within sixty (60) days of the initial inspection unless such inspection is waived by the City Code Enforcement Officer.

(c) Except in the case of complaints regarding compliance with the Code, no residential property shall be inspected more frequently than every three (3) years. An inspection may be ordered in any situation where a credible complaint has been made with regards to a property subject to this Code.

(d) Residential real estate shall not be rented to, nor shall a tenant be allowed to occupy residential rental housing, if an inspection report indicates that the property is unsafe, unsanitary or unfit for occupation and use. If

the inspection report shows deficiencies that do not render the unit unsafe and fit for occupation and use, the unit may continue to be rented and a tenant allowed to occupy, but the owner shall have 60 days to correct any deficiencies identified. Failure to correct the identified deficiencies within the time allotted shall be a violation of the Code and shall be a basis for revocation of the Rental Permit.

(e) The owner shall pay inspection fees as established by the City Council by Resolution, with the initial fees established as follows:

Dwelling Unit	$125 per unit
Fee for re-inspection	$75 per unit

Sec.91.6 Contract Properties.

Any property sold by real estate contract and occupied by the contract vendee will be considered as a rental dwelling, subject to this Code, unless the real estate contract has been recorded with the County Recorder.

Sec. 91.7 H.U.D. Inspection Certification.

Any properties that have a current HUD, or other federal government inspection certificate, will be required to be registered, but shall be exempt from routine rental housing inspection. It will remain subject to inspection based upon complaint. If the property is no longer utilized or enrolled in the HUD or other program, it will be thereafter be subject to routine housing inspection under this Code.

Sec. 91.8 Rental Permit Required.

(a) The Rental Permit shall be a document establishing satisfactory compliance with the Waverly Rental Housing Code at the time of issuance and shall be valid for a period of three (3) years from the date it is issued. The Rental Permit shall state the date of issuance, Permit number, owner of the property, address and unit numbers of the structure to which it is applicable, number of approved adults and sleeping rooms, and its expiration date.

(b) If a Rental Permit is not issued, all residential dwelling units and rooming units being occupied and/or rented by an owner without such Rental Permit may be ordered vacated or the collection of rent prohibited. Notice shall be served upon the owner and any such tenant or occupant that the unit shall be vacated and rent not payable until such time as said residential dwelling is in compliance with the Waverly Rental Housing Code and a Rental Permit is issued.

(c) The Rental Permit is not transferrable from an owner to a new purchaser. The new owner shall have 30 days from the date of transfer to submit a new registration application and self-inspection form. The fee for issuance of the transferred Rental Permit shall be the same as a new application.

(d) Prior to the expiration date of a Rental Permit, the owner must submit an application for renewal of the Rental Permit. The owner must submit a new self-inspection form to note any changes to the dwelling unit. There is no fee for renewal of the Rental Permit.

Sec. 91.9 Mediation.

Any owner of a dwelling unit who wishes to have a review of any formal determination of a City Code Enforcement Officer (hereafter Officer) regarding the alleged violation of any section herein, shall be offered an

opportunity for mediation regarding the Officer's findings prior to further enforcement of the findings by civil action in court under the following provisions:

(a) A request for mediation must be submitted in writing to the City Clerk within 10 days of the date of the letter from the Officer.

(b) The request for mediation must identify the findings that the owner contests.

(c) The City shall schedule mediation involving the landlord and Officer with two persons drawn from a list of rental property owners/managers who have indicated their willingness to participate as a mediator on any Registration Application filed with the City in compliance with this Ordinance , the City Administrator, and one member of the Waverly City Council.

(d) The group shall meet at a time and place set by the City Clerk.

(e) Mediation shall take place regarding the contested findings and may, if appropriate, result in a modification of the findings.

An agreement reached in mediation shall preclude either party from contesting that issue in any further proceedings. The owner shall not be precluded from contesting any municipal infraction in court regarding any issue that is not resolved in this mediation. The fact that either party has participated in mediation, nor any statements made during the discussion taking place in the mediation, may be used by either party to support its position in court.

Sec. 91.10 Civil Penalties.

Any violation of any duty or requirement under the Waverly Rental Housing Code shall be charged as a municipal infraction as provided in Chapter 23 of this Code.

(Chapter established by Ordinance 991 – Published on 1/19/15)

Reserved Chapter 92 – Repealed by Ordinance 880 – Published on 07/01/07
Reserved Chapter 93 – Repealed by Ordinance 880 – Published on 07/01/07
Reserved Chapter 94 – Repealed by Ordinance 880 – Published on 07/01/07

RESERVED CHAPTER 95

CHAPTER 96

PROPERTY TAX EXEMPTION

Repealed by Ordinance 1129. Published September 19, 2023

Chapter 97
DIVISION OF TAXES LEVIED ON
TAXABLE PROPERTY IN AN URBAN RENEWAL AREA

Sections:

97.1 Purpose.
97.2 Definitions.
97.3 Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Project.
97.4 Descriptions of Urban Renewal Project Areas.

SEC. 97.1 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in an urban renewal area of the City of Waverly, Iowa, each year by and for the benefit of the State of Iowa, City of Waverly, County of Bremer, Waverly-Shell Rock Community School District, and other taxing districts be paid to a special fund to pay the principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the city in connection with the urban renewal redevelopment project.

SEC. 97.2 DEFINITIONS. For use within this chapter the following terms shall have the following meanings:

1. "City" shall mean the City of Waverly, Iowa.

2. "County" shall mean the County of Bremer, Iowa.

3. "Urban Renewal Project Area" shall mean the Waverly Unified Urban Renewal Area, as amended, consisting of the unification of the Waverly Economic Development Urban Renewal Area, as amended, and the Waverly Central Business District Urban Renewal Area, as amended, as approved by the City Council by resolution.

SEC. 97.3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL PROJECT AREA.

SECTION 97.3.1

The taxes levied on the taxable property in the Amended Area, legally described in Section 4 hereof, by and for the benefit of the State of Iowa, County of Bremer, Iowa, Waverly-Shell Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

The taxes levied on the taxable property in the Urban Renewal Project Area legally described in Section 97.4 of this code of ordinances, by and for the benefit of the State of Iowa, City of Waverly, County of Bremer, Waverly-Shell Rock Community School District, and all other taxing districts from and after the effective date of this chapter shall be divided as hereinafter provided in this chapter.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Area upon the total sum of assessed value of the taxable property in the Urban Renewal Project Area as shown on the assessment roll last equalized prior to the date of initial adoption of the Urban Renewal Plan for the Urban Renewal Project or otherwise as specified by law are the base period taxes and shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which other property taxes are paid. The taxes so determined may be referred herein as the base period taxes, and shall be as set forth in the subsections following in this section.

a. The date of assessment for the assessment roll last equalized prior to the date of adoption of the Original Economic Development Urban Renewal Plan adopted by Resolution 461-86 on August 18, 1986 and enactment of Ordinance No. 569 adopted August 25, 1986, and the assessed value of the taxable property within the Original Plan Area of said Urban Renewal Plan on January 1, 1985, shall be used to compute base period taxes within the Original Plan Area.

b. As to the area included in Amendment No. 1 adopted by Resolution 88-08, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 1 Area shown on the assessment roll last equalized prior to adoption of Ordinance No. 585, being the assessment roll for January 1, 1987.

c. As to the area included in Amendment No. 2 adopted by Resolution 90-06, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 2 Area shown on the assessment roll last equalized prior to adoption of Ordinance No. 609, being the assessment roll for January 1, 1989.

d. As to the area included in Amendment No. 3 adopted by Resolution 91-63, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 3 area as shown on the assessment roll last equalized prior to adoption of Ordinance No. 638 being the assessment roll for January 1, 1992.

e. As to the area included in Amendment No. 4 adopted by Resolution 94-39, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 4 area as shown on the assessment roll last equalized prior to adoption of Ordinance No. 664, being the assessment roll for January 1, 1993.

f. As to the area included in Amendment No. 5 adopted by Resolution 99-140, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 5 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 733, being the assessment roll for January 1, 1998.

g. As to the area included in correction to Amendment No. 5 adopted by Resolution 02-100, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the corrected Amendment No. 5 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 791, being the assessment roll for January 1, 2001.

h. As to the area included in Amendment No. 6 adopted by Resolution 05-144, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 6 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 853, being the assessment roll for January 1, 2004.

i. As to the area included in Amendment No. 7 adopted by Resolution 06-70, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 7 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 866, being the assessment roll for January 1, 2005.

j. As to the area included in Amendment No. 8 adopted by Resolution 07-113, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 8 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 892, being the assessment roll for January 1, 2007.

k. As to the area included in Amendment No. 9 adopted by Resolution 09-159, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 9 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 931, being the assessment roll for January 1, 2008.

l. The date of assessment for the assessment roll last equalized prior to the date of adoption of the Original Central Business District Urban Renewal Plan adopted by Resolution 99-143 on December 6, 1999 and enactment of Ordinance No. 736 adopted January 3, 2000, and the assessed value of the taxable property within the Plan Area of said Urban Renewal Plan on January 1, 1999, shall be used to compute base period taxes within the Plan Area.

m. As to the area included in Amendment No. 1 of the Central Business District Plan adopted by Resolution 09-158, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 1 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 932, being the assessment roll for January 1, 2008.

n. As to the area included in Amendment No. 1 of the Waverly Unified Urban Renewal Plan adopted by Resolution 14-49, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 1 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 978, being the assessment roll for January 1, 2013.

o. As to the area included in Amendment No. 2 of the Waverly Unified Urban Renewal Plan adopted by Resolution 17-96, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 2 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1025, being the assessment roll for January 1, 2016.

p. As to the area included in Amendment No. 3 of the Waverly Unified Urban Renewal Plan adopted by Resolution 18-160, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 3 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1053, being the assessment roll for January 1, 2017.

q. As to the area included in Amendment No. 4 of the Waverly Unified Urban Renewal Plan adopted by Resolution 19-40, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 4 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1060, being the assessment roll for January 1, 2018.

r. As to the area included in Amendment No. 5 of the Waverly Unified Urban Renewal Plan adopted by Resolution 19-137, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 5 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1066, being the assessment roll for January 1, 2018.

s. As to the area included in Amendment No. 6 of the Waverly Unified Urban Renewal Plan adopted by Resolution 20-170, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the Amendment No. 6 area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1080, being the assessment roll for January 1, 2019.

t. As to the area included in the West Waverly Urban Renewal Plan adopted by Resolution 20-171, base period taxes shall be computed in the same manner using the total assessed value of the taxable property within the West Waverly Urban Renewal Plan area as shown on the assessment roll equalized prior to adoption of Ordinance No. 1081, being the assessment roll for January 1, 2019.

SECTION 97.3.2

That portion of the taxes each year in excess of the base period taxes for the combined area, determined as provided in subsection 2 of this section, shall be allocated to and when collected be paid into a special fund to be established by resolution of the City of Waverly, Iowa, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assume or otherwise, including bonds issued under authority of section 403.9 and Section 403.12 of the State Code of Iowa, as amended, incurred by the City of Waverly, Iowa, to finance or refinance in whole or in party the Waverly Urban Renewal Project, except that taxes for the payment of bonds and interest of each taxing district levying taxes on said project area shall be collected against all taxable property within the project area without any limitations as hereinabove provided.

SECTION 97.3.3

At such time as the bonds and interest thereon of the City of Waverly, hereinabove referred to, have been paid all monies thereafter received from taxes upon the taxable property in the area of the Urban Renewal Project known as the Waverly Urban Renewal Project shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

SEC. 97.4.

The following Ordinance 1080 adopted December 15, 2020 includes legally described property included in The Waverly Unified Urban Renewal Plan:

ORDINANCE NO. 1080

AN ORDINANCE AMENDING ORDINANCE NOS. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060 and 1066 PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN** PROPERTY LOCATED WITHIN THE AMENDED WAVERLY UNIFIED URBAN RENEWAL AREA, IN THE CITY OF WAVERLY, COUNTY OF BREMER, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF WAVERLY, COUNTY OF BREMER, WAVERLY-SHELL ROCK COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE AMENDED WAVERLY UNIFIED URBAN RENEWAL AREA (AMENDMENT NO. 6 TO THE WAVERLY UNIFIED URBAN RENEWAL PLAN)

WHEREAS, the City Council of the City of Waverly, State of Iowa, has heretofore, in Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060 and 1066 provided for the division of taxes within the Waverly Unified Urban Renewal Area, as amended ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, property is now being removed from the Waverly Unified Urban Renewal Area through the adoption of Amendment No. 6 to the Waverly Unified Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Waverly Unified Urban Renewal Area, and the continuing needs of redevelopment within the amended Waverly Unified Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Waverly Unified Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, STATE OF IOWA, THAT:

Ordinance Number(s) 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060 and 1066 are hereby amended to read as follows:

Section 1. For purposes of this Ordinance, the following terms shall have the following meanings:

a) Original Area shall mean that portion of the City of Waverly, State of Iowa, described in the Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 461-86 on the 18th day of August, 1986, which Original Economic Development Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL ECONOMIC DEVELOPMENT
URBAN RENEWAL PLAN - 1986

Ordinance No. 569 adopted August 25, 1986

AREA 1: The Southwest Quarter of the Southeast Quarter of Section 33, Township 92 North, Range 14 West of the 5th P.M.;

AREA 2: Commencing at a point 1320.50 feet West and 1331.95 feet North of the Southeast corner of Section 33, Township 92 North, Range 14 West of the 5th P.M.; thence North 89°58'00" West 1317.30 feet to the Northwest corner of the

Southwest Quarter of the Southeast Quarter of Section 33; thence North 0°04'02" East 778.90 feet to the South right-of-way line of the railroad property owned by Waverly Plastic Company, Inc. (formerly owned by Chicago Northwestern Railroad Company); thence south along said right-of-way line South 78°49'30" East 1344.65 feet; thence South 0°15'15" West 517.90 feet to the point of beginning. Said parcel containing 19.63 acres, more or less.

b) Amendment No. 1 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 1 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 88-8 on the 2nd day of May, 1988, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #1 - 1988

Ordinance No. 585 passed June 6, 1988

AREA 1: The 66 foot right-of-way of First Street Northwest, commencing at the South right-of-way line of West Bremer Avenue and thence North to the South right-of-way line of Fifth Avenue Northwest.

AREA 2: All area within the following borders: Commencing with the point of beginning at the intersection of the East right-of-way line of First Street Northwest and the South right-of-way line of Trains Unlimited; then North along the East right-of-way line of First Street Northwest until it intersects with the South right-of-way line of the Cedar River Railroad; then in a northeasterly direction along the North line of the Nestle Beverage Company property line (Parcel 0535354001); then along the Northerly, North and East lines of the Nestle Beverage Company property line (Parcel 0535326006) to the Cedar River, then Southwesterly along the Cedar River to the South right-of-way line of Trains Unlimited, then along the south right-of-way line of Trains Unlimited to the point of beginning;

EXCEPT:

Parcel l: Beginning at the intersection of the center line of said Fifth Avenue N.W. and the Southerly extension of the East lines of said Lots 1 and 2; thence Northerly along said East line, extended, of Lots 1 and 2, to a point on the North line of said Fifth Avenue N.W.; thence Westerly along said North line of Fifth Avenue N.W., a distance of 16 feet; thence Northerly parallel with the East line of said Lot 1, a distance of 96 feet; thence Westerly parallel with the North line of said Fifth Avenue N.W., a distance of 14 feet; thence Northerly parallel with the East line of said Lot 1, and of said Lot 2, to a point on the South line of Sixth Avenue N.W. (formerly Penn Street); thence Westerly along said South line of Sixth Avenue N.W., to a point on the West line of the East half of the East half of said Lot 2; thence Southerly along said West line, to a point on the North line of said Lot 1; thence Westerly along said North line of Lot 1 to the N.W. corner

thereof; thence Southerly along the West line of said Lot 1 to a point distant 50 feet north easterly , measured radially, from the center line of the main track of the Chicago and North Western Railway Company (now the Chicago and North Western Transportation Company) as said main track is located; thence Southeasterly parallel with said main track center line to a point on the center line of aforesaid Fifth Avenue N.W.; thence Easterly along said center line of Fifth Avenue N.W. to the point of beginning, all in the City of Waverly, Iowa.

Parcel 2: Beginning at a point on the West line of said Lot 1, distant 50 feet Northeasterly, measured radially, from the center line of the main track of the Chicago and North Western Transportation Company (formerly the Chicago Great Western Railway Company), as said main track is now located; thence Southeasterly parallel with said main track center line a distance of 250 feet, more or less, to a point on the center line of said vacated Fifth Avenue Northwest; thence Easterly along said center line of Fifth Avenue Northwest a distance of 70 feet, more or less, to a point on the Southerly extension of the East line of said Lot 1; thence Southerly along said East line, extended, of Lot 1, a distance of 33 feet, more or less, to a point on the South line of said Fifth Avenue Northwest; thence Westerly along said South line a distance of 75 feet, more or less, to a point distant 25 feet Northeasterly, measured radially, from said main track center line; thence Northwesterly parallel with said main track center line a distance of 240 feet, more or less, to a point on the West line of said Lot 1; thence Northerly along said West line of Lot 1 a distance of 35 feet, more or less, to the point of beginning.

Parcel 3: The North 80 feet of the following described tract: Commencing at a point on a line that would be a direct continuation East of the South line of the alley in Block 8, John J. Smith's Addition to Waverly, Iowa, where said line intersects the West line of the Southeast Quarter of the Southwest Quarter of Section 35, Township 92 North, Range 14 West of the 5th P.M., running thence North 162.5 feet along said West line, thence East to the Cedar River, thence in a Southerly direction along said River to a point on a line that would be a direct continuation East of the South line of said alley, thence West to point of beginning.

AREA 3: Area between South right-of-way line of Fifth Avenue Northwest and North right-of-way line of Trains Unlimited; commencing at the East right-of-way line of First Street Northwest; thence West to the East line of the following parcels:

Parcel 1: The Southwest Quarter of the Southeast Quarter of Section 33, Township 92 North, Range 14 West of the 5th P.M.; and

Parcel 2: Commencing at a point 1320.50 feet West and 1331.95 feet North of the Southeast corner of Section 33, Township 92 North, Range 14 West of the 5th P.M.; thence North 89°58'00" West 1317.30 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 33; thence

North 0°04'02" East 778.90 feet to the South right-of-way line of the railroad property owned by Waverly Plastic Company, Inc. (formerly owned by Chicago Northwestern Railroad Company); thence south along said right-of-way line South 78°49'30" East 1344.65 feet; thence South 0°15'15" West 517.90 feet to the point of beginning.

c) Amendment No. 2 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 2 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 90-6 on the 5th day of February, 1990, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #2 - 1990

Ordinance No. 609 Passed and approved on April 2, 1990.

AREA l: Beginning at the intersection of the center line of said Fifth Avenue N.W. and the Southerly extension of the East lines of said Lots 1 and 2; thence Northerly along said East line, extended, of Lots 1 and 2, to a point on the North line of said Fifth Avenue N.W.; thence Westerly along said North line of Fifth Avenue N.W., a distance of 16 feet; thence Northerly parallel with the East line of said Lot 1, a distance of 96 feet; thence Westerly parallel with the North line of said Fifth Avenue N.W., a distance of 14 feet; thence Northerly parallel with the East line of said Lot 1, and of said Lot 2, to a point on the South line of Sixth Avenue N.W. (formerly Penn Street); thence Westerly along said South line of Sixth Avenue N.W., to a point on the West line of the East half of the East half of said Lot 2; thence Southerly along said West line, to a point on the North line of said Lot 1; thence Westerly along said North line of Lot 1 to the N.W. corner thereof; thence Southerly along the West line of said Lot 1 to a point distant 50 feet north easterly , measured radially, from the center line of the main track of the Chicago and North Western Railway Company (now the Chicago and North Western Transportation Company) as said main track is located; thence Southeasterly parallel with said main track center line to a point on the center line of aforesaid Fifth Avenue N.W.; thence Easterly along said center line of Fifth Avenue N.W. to the point of beginning, all in the City of Waverly, Iowa.

AREA 2: Beginning at a point on the West line of said Lot 1, distant 50 feet Northeasterly, measured radially, from the center line of the main track of the Chicago and North Western Transportation Company (formerly the Chicago Great Western Railway Company), as said main track is now located; thence Southeasterly parallel with said main track center line a distance of 250 feet, more or less, to a point on the center line of said vacated Fifth Avenue Northwest; thence Easterly along said center line of Fifth Avenue Northwest a distance of 70 feet, more or less, to a point on the Southerly extension of the East line of said Lot 1; thence Southerly along said East line, extended, of Lot 1, a distance of 33 feet, more or less, to a point on the South line of said Fifth Avenue Northwest; thence

Westerly along said South line a distance of 75 feet, more or less, to a point distant 25 feet Northeasterly, measured radially, from said main track center line; thence Northwesterly parallel with said main track center line a distance of 240 feet, more or less, to a point on the West line of said Lot 1; thence Northerly along said West line of Lot 1 a distance of 35 feet, more or less, to the point of beginning.

AREA 3: A parcel located mainly in the Northeast Quarter of the Southwest Quarter of Section 35, Township 92 North, Range 14 West of the 5th PM., Bremer County, Iowa, further described as follows: Beginning at a point on the West line of said Northeast Quarter of the Southwest Quarter, that is North 373.70 feet from the center of the Southwest Quarter; thence North 15°00' East 124.6 feet to the South line of a parcel described in Book 150, Page 488 of the County Recorder; thence North 88°54'30" East 575.90 feet along said South line; thence South 34°40' East 121.4 feet; thence South 57°40' West 498.7 feet; thence South 32°20' East 2.0 feet; Thence South 57°40' West 11.5 feet; thence North 32°20' West 2.0 feet; thence South 57°40' West 162.8 feet; thence South 32°20' East 10.0 feet; thence South 57°40' West 354.7 feet; thence North 27°55' East 178.6 feet; thence North 18°55' East 209.2 feet; thence North 90°00' East 42.9 feet to the West line of the Northeast Quarter of the Southwest Quarter; thence North 0°00' East 179.0 feet to the point of beginning.

AREA 4: Area of right-of-way of West Bremer Avenue commencing at the West right-of-way line of First Street Northwest; thence West to the West right-of-way line of Fourth Street Southwest.

AREA 5: Area of right-of-way of Fourth Street Southwest commencing at the South right-of-way line of West Bremer Avenue; thence South to a point 201.83 feet South of the East Quarter of Section 10, Township 91 North, Range 14 West.

AREA 6: Area of Cedar Valley Railroad right-of-way commencing at South right-of-way line of Fifth Avenue Northwest; thence South to the South line of the North one-half of the South one-half of said Section 10, Township 91 North, Range 14 West.

AREA 7: Beginning at the East Quarter of Section 10, Township 91 North, Range 14 West of the 5th P.M.; thence South 0°06'15" West 201.83 feet along the Section line; thence North 89°31'55" West 418 feet; thence South 0°06'15" West 845 feet; thence North 89°31'55″ West 157 feet; thence South 0°06'15" West 275 feet to the South line of the North one-half of the South one-half of said Section 10; thence North 89°31'55" West 1382.58 feet to the East right-of-way line of the Cedar Valley Railroad; thence North 1°25'50" West 1978.28 feet along said East line to the North line of the South quarter of the Northeast quarter of said Section; thence South 89°35'25" East 1100 feet; thence South l°25'50" East 404.83 feet; thence South 89°35'25" East 899.25 feet to the East line of the Northeast quarter of said Section 10; thence South 252.99 feet along said East line to the point of beginning, together with all easements for access and all appurtenant estates, except the East 418 feet thereof.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 2 to the Waverly Unified Urban Renewal Plan described as:

City of Waverly property – Parcel 0910202003
LOT 1-A of the Replat of Lots 9 & 10, Waverly Industrial Plaza, City of Waverly, Iowa.

d) Amendment No. 3 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 3 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 91-63 on the 2nd day of December, 1991, which Amendment No. 3 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #3 - 1991

Ordinance No. 638 passed February 17, 1992

AREA 1: Beginning at the intersection of the South right-of-way line of 5th Avenue Northwest and the West right-of-way line of 24th Street Northwest; thence South 486.50 feet; thence East 1025.9 feet to the West right-of-way line of 21st Street Northwest; thence South on the West right-of-way line of 21st Street Northwest to the South right-of-way line of 1st Avenue Northwest, thence East on the South right-of-way line of 1st Avenue Northwest to the West right-of-way line of 21st Street Northwest; thence South on the West right-of-way line of 21st Street Northwest to the South right-of-way line of West Bremer Avenue; thence East to the East right-of-way line of 20th Street Northwest; thence North on the East line of 20th Street Northwest to the South line of 5th Avenue Northwest, thence West to the point of beginning.

AREA 2: Lot 3 of Willow Lawn Second Addition.

AREA 3: All of 5th Avenue Northwest right-of-way abutting and adjacent to SW1/4 of SE 1/4 of Section 33, Township 92 North, Range 14 West of the 5th P.M.

AREA 4: All Chicago Northwestern Railroad right-of-way abutting and adjacent to property described as: Commencing at a point 1320.50 feet West and 1331.95 feet North of the Southeast corner of Section 33, Township 92 North, Range 14 West of the 5th P.M.; then North 89º58'00' West 1317.30 feet to the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 33: thence North 0º04'02" East 778.90 feet to the South right-of-way line of the Chicago Northwestern Railroad Company: thence along said right-of-way line South 78º49'30" East 1344.65 feet; thence South 0º15'15" West 517.90 feet to the point of beginning.

e) Amendment No. 4 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 4 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 94-39 on the 18th day of July, 1994, which Amendment No. 4 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #4 - 1994

Ordinance No. 664 passed September 19, 1994

AREA 1: Commencing at the intersection of the Northerly right of way line of Iowa State Highway No. 3 with the East line of Lot 1 of the Subdivision of the NE1/4 of the SW1/4 of Section 1, Township 91 North, Range 14 West of the 5th P.M., thence North 55º07'50" West 174.52 feet along said right of way line to the point of beginning; thence North 55º07'50" West 315.11 feet along said right of way line to a point 267.40 feet normally distant from the West line of the E1/2 of the NE1/4 of the SW1/4 of Section 1, thence North 0º26'10" East 627.92 feet parallel with said West line to the South line of a parcel described in Book 239, pages 29-30 of the records of the Recorder of Bremer County, Iowa, thence South 84º09'25" East 400.90 feet along said South line to the East line of Lot 8 of the Subdivision of the NW1/4 of Section 1; thence South 0º06'45" West 260.71 feet to the center of Section 1; thence South 0º06'45" West 294.85 feet to a point 311.55 feet North of the Northerly right of way line of said Iowa State Highway No. 3; thence North 89º53'15" West 143.38 feet; thence South 0º06'45" West 212.00 feet to the point of beginning, in the City of Waverly, Iowa.

AREA 2: Beginning on the Southerly side of Iowa State Highway No. 3 at a point 120 feet Southeasterly from the Southeast corner of Lot Eight (8) in Auditor's Plat of the East half (E1/2) of Section One (1), Township Ninety-One (91) North, Range Fourteen (14) West of the 5th P.M. (as shown by plat recorded in Plat Book "A" pages 148-149), running thence Southwesterly at right angles to said Highway 250 feet, thence in a Northwesterly direction parallel to said Highway 160 feet, thence at right angles Northeasterly 214.88 feet to the Southerly side of said Lot 8, thence Easterly along the Southerly side of said Lot 8, 53.20 feet to said Iowa State Highway No. 3, thence in a Southeasterly direction along said Highway 120 feet to the point of beginning.

AREA 3: Beginning on the Southerly side of Iowa State Highway No. 3, at a point 120 feet Southeasterly from the Southeast Corner of Lot 8 in Auditor's Plat of the east Half of Section 1, Township 91 North, Range 14 West of the 5th P.M. (as in Plat Book A, page 148) running thence Southwesterly at right angles to said Highway 250 feet; thence in a Southeasterly direction parallel to said Highway 80 feet; thence at right angles Northeasterly 250 feet to the Southerly side of said Highway; thence Northwesterly along said Highway 80 feet to the point of beginning, subject to easement for frontage road adjacent to Iowa State Highway No 3.

AREA 4: A portion of Lot 9 of the Auditors Plat of the East half of Section 1, Township 91 North, Range 14 West of the 5th P.M. in Bremer County, Iowa, further described as follows:

Beginning at a point on the West line of the Southeast quarter (SE1/4) of Section 1 that is North 00º00'11" East 38.60 feet from the Southwest corner of the Southeast quarter (SE1/4) of Section 1; thence North 00°00'11" East 1289.51 feet to the Northwesterly corner of Lot 9; thence South 89º39'54" East 816.68 feet along the Northerly line of Lot 9 to a point 53.20 feet West of the Northeasterly corner of Lot 9; thence South 40º42'28" West 219.05 feet previously described as 214.88 feet in a warranty deed filed in Book 161, page 396-398; thence South 48º23'45" East 398.12 feet parallel with the Northeasterly line of Lot 9; thence South 42º06'05" West 275.00 feet; thence South 48º23'45" East 480.00 feet to the Westerly line of a parcel described in Book 253, page 608 in the office of the Bremer County Recorder; thence Southerly along the Westerly line of said description South 42º06'05" West 134.70 feet; thence South 00º05'30" West 274.82 feet to the South line of Section 1 (South line of said Lot 9); thence North 89º26'30" West 978.20 feet to the Northerly right-of-way line of Trains Unlimited (formerly Chicago Great Western R.R.); thence North 63º04'22" West 86.90 feet to the point of beginning. Said parcel contains 28.10 acres.

AREA 5: All of Highway No. 3 right-of-way from 1st Street Northwest and West Bremer, East 8,714.68 feet to the intersection with the Easterly corner of Lot 8 of the auditor's plat of the East ½ of Section 1, Township 91 North, Range 14 West of the 5th P.M., Waverly, Iowa.

AREA 6: Deletion of Lot 3, Willow Lawn Second Addition.

f) Amendment No. 5 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 5 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 99-140 on the 13th day of September, 1999, which Amendment No. 5 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #5 - 1999

Ordinance No. 733 passed October 18, 1999

Part of Area "A" Airport

Beginning at a point 989.90 feet South of the north 1/4 corner of Sec. 33. Twp 92 N, Rge 14 W. of the 5th P. M. on the W Line of the NE 1/4; thence S 0° 00' 471.54 feet; thence N 72° 42' W 690.90 feet; thence N 89° 47' W 1633.94 ft. to the E Right-of-way line of public rd (U. S. No. 218); thence N 20° 34' W 918.02 ft. along the E Right-of-Way line of said public rd; thence N 0° 02' W 210.76 ft; thence S 72° 49' E 2741.19 ft to point of beginning.

Beginning at a point 989.90 ft. S of the N1/4 corner of Sec. 33, Twp 92 N Rge 14 W of the 5th P. M. on the W Line of the NE 1/4; thence S 72° 49' E 804.07 ft; thence S 0° 23' E 379.78 ft. thence S 89° 04' W 280.16 ft: thence N 72° 42' W 513.19 ft; thence N 0° 00' 471.54 ft. to point of beginning.

Commencing at the northeast corner of the Northwest quarter (NW 1/4) of Section 33; thence South 00°00'00" West 1251.46 feet along the East line of the Northwest quarter (NW 1/4) of Section 33; thence South 89°47'00" West 1331.2 feet to the Point of Beginning, said point being on the south line of the existing airport; thence south 00°00'00" East 170.00 feet; thence South 89°47'00" West 420.00 Feet; thence south 00°00'00" East 240.00 feet; thence South 89°47'00" West 387.38 feet to the Easterly right of way line of Highway 218; thence North 20°34'00" West 437.29 feet along the Easterly right of way line of Highway 218, to the Southwesterly corner of the existing airport; thence North 89°47'00" East 961.0 feet to the point of beginning;

All of U S Highway 218 right of way from the SW corner of SE 1/4 of Section 33 Twp. 92N Rge 14W of the 5th P.M.; Thence west and north on either side of the centerline of U S Highway 218 to the west line of Section 33 Twp. 92N Rge 14W of the 5th P.M.

Commencing at the NW corner of the NE 1/4 of Section 33; thence South 00°00'00" West 989.90 feet along the west line of the NE 1/4 of Section 33 to the North line of the existing airport; thence South 72°49'00" East 804.07 feet to the Point of Beginning, said point being the Northeasterly corner of the existing airport; thence South 72°49'00" East 62.94 feet along the easterly extension of the North line of the existing airport; thence south 00°23'00" East 360.21 feet; thence South 89°04'00" West 60.00 feet to the southeasterly corner of the existing airport; thence North 00°23'00" West 379.78 feet to the point of beginning.

Area "B" Fairgrounds/Golf Course (North)

Commencing at the NW corner of 5th Avenue SW and 4th Street SW; Thence south along the west right-of-way line of 4th Street SW to the south right-of-way line of 8th Avenue SW; Thence west on the south right-of-way line of 8th Avenue SW to the west line of lot 7 of Southwick Subdivision; Thence south along the westerly line of lot 7 to the north right-of-way line of 10th Avenue SW; Thence west on the north right-of-way line of 10th Avenue SW to the east right-of-way line of Cedar Valley Railroad Company; Thence north on the east right-of-way line of Cedar Valley Railroad Company to the north line of the south ½ of section 3 T91N R14W; Thence east to the east right-of-way line of 8th Street SW; Thence south on the east right-of-way line to the north right-of-way line of 5th Avenue SW; Thence east to the point of beginning.

Area "C" Golf Course (south)

Beginning at a point 559.8 feet west and south 33 feet of the NE corner of section 10 T91N R14W of the 5th P.M.; Thence south 1,138.51 feet; Thence east to the west right-of-way line of 4th Street SW; Thence south to the NE corner of lot 1 of the Waverly Industrial Plaza; Thence west 899.25 feet; Thence north 404.83 feet to the north right-of-way line of 16th Avenue SW; Thence west to the east right- of-way line of Cedar Valley Railroad Company; Thence north on the east right- of-way line of Cedar Valley Railroad Company to the south right-of-way line of 10th Avenue SW; Thence east to the point of beginning.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 3 to the Waverly Unified Urban Renewal Plan described as:

Wavtown Properties, LLC - Parcel 0910226052
Retracement Survey In the NE ¼ of Section 10, Township 91 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa described as follows: Commencing of the Northeast corner of said Section 10; thence South 00 degrees 19 minutes 35 seconds East (assumed bearing), 1156.82 feet along the East line of said Quarter Section to the Southeast Corner of Engstrom Addition to the City of Waverly and the point of beginning; thence continuing South 00 degrees 19 minutes 35 seconds East, 205.81 feet along said East line to the Northeast corner of Parcel U; thence North 89 degrees 45 minutes 32 seconds West, 294.50 feet along the North line of said Parcel U to the Northwest corner thereof; thence North 00 degrees 19 minutes 35 seconds West, 40.00 feet along the West line of the East 294.50 feet of said Quarter Section to the South line of the NE ¼ of said Quarter Section; thence North 89 degrees 45 minutes 32 seconds West 374.54 feet along said South line to the City of Waverly Golf and Country Club Property; thence North 01 degree 34 minutes 11 seconds West, 102.75 feet; thence North 64 degrees 17 minutes 55 seconds East, 132.50 feet both along the Easterly lines of said City of Waverly Golf and Country Club property; thence North 89 degrees 05 minutes 46 seconds East, 257.04 feet to the Southwest corner of said Engstrom Addition; thence South 89 degrees 45 minutes 32 seconds East,
294.50 feet along the South line of said Engstrom Addition to the point of beginning.

Wavtown Properties, LLC - Parcel 0910276022
The NE ¼ of the SE ¼ of the NE ¼ of Section 10, T91N, R14W of the 5th P.M., except the South 385 feet thereof and except the North 100 feet of the South 485 feet of the East 291.64 feet thereof and except the North 40 feet of the East 294½ feet thereof, and also except Parcel U described in Plat of Survey recorded as Doc. No. 20055914, Bremer County records.

Wavtown Properties, LLC - Parcel 0910276023
Parcel U described in Plat of Survey recorded as Doc. No. 20055914, Bremer County records.

Joan E Richmann & Donald W. Richmann - Parcel 0910276004
The East 291.64 feet of the North 100 feet of the South 485 feet of the NE ¼ of the SE ¼ of the NE ¼ of Section 10, T91N, R14W of the 5th P.M.

Area "D" South of Waverly Industrial Plaza

Commencing at a point 201.84 feet south and 46.3 feet west of the E. ¼ corner of section 10 T91N R14W of the 5th P.M. and on the west right-of-way line of 4th Street SW; Thence south to the south right-of-way line of 29th Avenue SW; Thence west to a point 33 feet south of the SW corner of parcel 460-09-10-400- 046 as recorded in 1998/0865 on the south right-of-way line; Thence north 491 feet; Thence west to the east right-of-way line of Cedar Valley Railroad Company; Thence north on the east right-of-way line of Cedar Valley Railroad Company to the south line of the Waverly Industrial Plaza; Thence east to the SE corner of lot 5 of the Waverly Industrial Plaza; Thence north 275 feet; Thence east 157 feet; Thence north 845 feet; Thence east 418 feet to the point of beginning.

All of right of way on 29th Avenue SW from 728.40 feet west of the SE corner of Section 10, T91N R14W of the 5th P.M.; thence west to the East right of way line of the Cedar Valley Railroad Company.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 2 to the Waverly Unified Urban Renewal Plan described as:

Walker Auto Salvage Incorporated – Parcel 0910400057
Lot 5, Block 1, Wal-Mart First Addition to the City of Waverly, Iowa

Tri-B Limited – Parcel 0910400058
Lot 4, Block 1, Wal-Mart First Addition to the City of Waverly, Iowa

AND EXCEPT THAT PROPERTY REMOVED BY Amendment No. 3 to the Waverly Unified Urban Renewal Plan described as:

Riggs 4th St Investments, LC - Parcel 0910400074
Parcel W, a part of Parcel E, described in Plat of Survey recorded as Doc. No. 20084474, Bremer County records.
and

Riggs 4th St Investments, LC - Parcel 0910400071
Parcel V, a part of Greenway and Lot 4 Waverly Industrial Plaza, described in Plat of Survey recorded as Doc. No. 20075444, Bremer County records.

AND EXCEPT THAT PROPERTY REMOVED BY Amendment No. 4 to the Waverly Unified Urban Renewal Plan described as:

Carmi Family Rev Tr - Parcel 091040023
The North 275 feet of the South 550 feet of the East 418 feet of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 10, Township 91 North, Range 14 West of the 5th P.M., except lands deeded to the State of Iowa in Warranty Deed, Doc. No. 19903596.

Area "E" 10th Avenue SW

All right-of-way from the NW corner of section 11 T91N R14W of the 5th P.M.; Thence west to the east right-of-way line of Highway 3.

Area "F" Between 3rd Street SW and 4th Street SW

Beginning at the intersection of the south right-of-way line of 13th Avenue SW and the east right of way line of 3rd Street SW; Thence southerly on the east right- of-way line of 3rd Street SW to the north right-of- way line of 16th Avenue SW; thence easterly along the south line of Lot 8 Stonehaven Subdivision to a point on a line 1,100 feet parallel to the west line of the NW ¼ of section 11 T91N R14W of the 5th P.M.; Thence south on a line parallel to the west line of the NW ¼ of section 11 T91N R14W to the north line of Centennial Oaks Estates; Thence west to the west right-of-way line of 3rd Street SW; Thence south to the SE corner of parcel E as recorded in 1993/0757; Thence west to the NW corner of Outlet A of Centennial Oaks Golf Club Addition; Thence south to the SW corner of said Outlet A; Thence 542.19 feet East; Thence south to the north right-of-way line of 29th Avenue SW; Thence south to the south right-of-way line of 29th Avenue SW; Thence west to the west right-of-way line of 4th Street SW; Thence north on the west right-of-way line to the point 201.84 feet south and 46.3 feet west of the E ¼ of section 10 T91N R14W of the 5th P.M.; Thence east to the east right-of-way line of 4th Street SW; Thence north on the east right-of-way line to the north line of the South ½ of the NW ¼ of section 11 T91N R14W; Thence east to the point of beginning.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 3 to the Waverly Unified Urban Renewal Plan described as:

Advance Waverly, LLC - Parcel 0911351002
Parcel "00", located entirely within a certain parcel of land described as Outlot "A" in the Centennial Oaks Golf Club Addition recorded in Doc. No. 20171357 in the Office of the Recorder of Bremer County, Iowa in the W ½ of the SW ¼ of Sec 11, T91N, R14W of the 5th P.M., Bremer County, Iowa, more particularly described in Doc. No. 20173564, recorded in the Office of the Recorder of Bremer County, Iowa.

First National Bank of Waverly - Parcel 0911301003
Fractional Lot 1 of Centennial Oaks Estates Replat, City of Waverly

First National Bank of Waverly - Parcel 0911301005
Lot 2 of Centennial Oaks Plaza, City of Waverly, except that portion described in a Warranty Deed recorded as Doc. 20110077 deeded to the City of Waverly for street right of way.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 4 to the Waverly Unified Urban Renewal Plan described as:

Dennis H and Ronda A Happel - Parcel 0911300032
Parcel G located in a portion of the North four hundred feet (N 400') of the West four hundred feet (W 400') of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 11, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa further described as set forth in the Plat of Survey recorded May 1, 1995 as Document No. 19951386 in the office of the Bremer County Recorder together with access and easements rights of record.

Phyllis Ann Frost - Parcel 0911300026
A parcel of land located in a portion of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section Eleven (11), Township Ninety- one (91) North, Range Fourteen (14) West of the 5th P.M. in the City of Waverly, Bremer county, Iowa, further described as follows: Beginning at a point on the East right of way line of Highway 218 that is North 00°13'00" West 1247.70 feet and South 89°55'30" East 86.78 feet from the Southwest corner of Section 11, thence South 89°55'30" East 155.00 feet, thence South 00°08'00" East 127.50 feet, thence North 89°55'30" West 155.00 feet, thence North 00°08'00" West 127.30 feet along the East line of the Highway 218 to the point of beginning.
Note: The West line of the Southwest Quarter (SW¼) of Section Eleven (11) was assumed to bear North 00°13'00" West for this description.

Dealer Sites LLC - Parcel 0911300019
Commencing at the Southwest corner of Section 11, T91N, R14W of the 5th P.M., running thence East 447 feet along the South line of said Section 11, thence North 533 feet, thence West 442.19 feet to the West line of said Section 11, thence South 0°31'00" West 533.02 feet along the West line of the SW1/4 of said Section 11 to the point of beginning, and all of grantor's rights of direct access at Sta.361+39± (Property Line) and Sta. 366+75± (Property Line), on the east side of Primary Road No. 218 located in Section 11, Township 91 North, Range 14 West of the 5th P.M., but except therefrom the following:
Beginning at the SW corner of said Sec. 11; thence N 00° 13 ½' W, 533.0 ft. along the west line of the SW ¼ of said Sec. 11; thence N 89° 15 ½' E, 59.1 ft. along the northerly property line; thence S 00°18'E, 447.4 ft.;

thence S 50°29'E, 81.4 ft.; thence S 00°56'E, 33.0 ft.; thence S 89°15 ½'W, 122,8 ft. along the south line of the SW ¼ of said Sec. 11 to the Point of Beginning;
Subject to Controlled Access between Primary Road No. 218 and the subject property except as previously permitted, reserved at Sta. 361+39± (Property Line) and at Sta. 366+75± (Property Line), on the east side.

Dealer Sites LLC - Parcel 0911300031
The South 200 feet of Parcel D. Parcel D is described as: A part of the SW ¼ of the SW ¼ of Sec 11, T91N, R14W of the 5th P.M. in the City of Waverly, Bremer County, Iowa, described as follows: Beginning at a point on the Easterly right of way line of the relocated Highway No. 218 that is N 00°13'30" W 533.00 feet and N 89°15'30" E 85.70 feet from the SW corner of Sec 11; thence N 00°08'00" W 386.70 feet along said Highway right of way to the S line of the N 400 feet of the SW ¼ of the SW ¼ of Sec 11; thence N 89°49'00" E 313.70 feet to the E line of W 400 feet of said ¼-1/4 of Sec 11; thence S 00°13'30" E 383.64 feet along the E line of the W 400 feet of the said ¼-1/4 of Sec 11; thence S 89°15'30" W 314.30 feet to the point of beginning.

Area "G" Highway 3 West

All right-of-way of Highway 3 from the SW ¼ corner of the SE ¼ of section 4 T91N R14W of the 5th P.M.; Thence northeasterly to the intersection of West Bremer Avenue and 20th Street SW.

Area "H" Centennial Oaks Golf Club Addition

OutLots A, C, D, E, F, G, H, J, L, M, N, O, P of Centennial Oaks Golf Club Addition.

The north ½ right-of-way of 29th Avenue from the SE corner of the SW ¼ of SW1/4 of section 11 T91N R14W of the 5th P.M.; Thence east to the SE corner of the SE 1/4 of section 11 T91N R14W of the 5th P.M.

All right-of-way of 29th Avenue SW from a point 947 feet east of the SW corner of the SW ¼ of section 11 T91N R14W of the 5th P.M.; Thence east to the SE corner of the SW ¼ of SW1/4 of section 11 T91N R14W of the 5th P.M.

All right-of-way of 3rd Street SW from the north right of way line of 29th Avenue SW to the north line of Centennial Oaks Golf Club Addition.

AMENDMENT #5 (correction) - 2002

Ordinance No. 791 passed November 4, 2002

Outlot Q of Centennial Oaks Golf Club Addition to Waverly, Iowa.

g) Amendment No. 6 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 6 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 05-144 on the 21st day of November, 2005, which Amendment No. 6 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #6 - 2005

Ordinance No. 853 passed December 5, 2005

AREA 1 - Commencing at the SW corner of lot 4 in Wal-Mart First Addition; Thence East 1194.33 feet; Thence North 458 feet; Thence West 1205.8 feet; Thence South to the point of beginning.

AREA 2 - All of the 100-foot Cedar River Railroad Company Railroad right-of-way, from the south right-of-way line of 29th Avenue SW, North to the extension of the north line of lot 5 in Wal-Mart First Addition.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 2 to the Waverly Unified Urban Renewal Plan described as:

Tri-B Limited – Parcel 0910400058
Lot 4, Block 1, Wal-Mart First Addition to the City of Waverly, Iowa

h) Amendment No. 7 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 7 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 06-70 on the 11th day of September, 2006, which Amendment No. 7 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #7 - 2006

Ordinance No. 866 passed October 2, 2006

An area of land primarily in the NE ¼ and partially in the NW ¼, all in Section 3, Township 91 North, Range 14 West of the 5th P.M., in the City of Waverly, Bremer County, Iowa, and further described as follows:
Beginning at a point which is the intersection of the South right-of-way line of 5th Avenue NW and the West right-of-way line of 12th Street NW; Thence South along the West right-of-way line of 12th Street NW to a point 132 feet North of the Westerly extension of the North right-of-way line of 1st Avenue NW; Thence East along the North property lines of Lots 6, 7, and 8 in Block 115 of the Resubdivision of Part of Harmon & LeValley's Addition, which also lies 132 feet

North of the North right-of-way line of 1st Avenue NW to the East right-of-way line of the vacated 11th Street NW; Thence North along the East right-of-way line of the vacated 11th Street NW to the Southwest corner of Lot 4 in Block 99 of the Resubdivision of Part of Harmon & LeValley's Addition; Thence East along the South property lines of Lots 4, 3, 2, and 1 in Block 99 of the Resubdivision of Part of Harmon & LeValley's Addition to the East right-of-way line of the vacated 10th Street NW; Thence North along the East right-of-way line of the vacated 10th Street NW to the South right-of-way line of 5th Avenue NW; Thence West along the South right-of-way line of 5th Avenue NW to the East right-of-way line of 12th Street NW; Thence South along the East right-of-way line of 12th Street NW to the Easterly extension of the South right-of-way line of 5th Avenue NW; Thence West to the point of beginning.

i) Amendment No. 8 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 8 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 07-113 on the 3rd day of December, 2007, which Amendment No. 8 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #8 - 2007

Ordinance No. 892 passed January 7, 2008

Area "J" Village Square Shopping Mall

The West 786.97 feet of the NW ¼ of the NW ¼ of Section 11, Township 91 North, Range 14 West of the 5th P.M., in the City of Waverly, Bremer County, Iowa, except the existing Urban Renewal District area containing the 4th Street SW right-of-way.
and also,

Area "K" Future extension of 10th Avenue SW

The North 693 feet lying West of the east bank of the Cedar River of the NE ¼ of the NE ¼ of Section 11, Township 91 North, Range 14 West of the 5th P.M., including the 8th Street SE right-of-way within the described area, all within the City of Waverly, Bremer County.
and also,
The NW ¼ of the NE ¼ of Section 11, Township 91 North, Range 14 West of the 5th P.M., including the 8th Street SE right-of-way within the described area, all within the City of Waverly, Bremer County, EXCEPT Parcel J described in Survey Document No. 20012730 recorded in the office the Recorder of Bremer County, Iowa.
and also,
A parcel of land located in a portion of the North ½ of the NW ¼ of Section 11, Township 91 North, Range 14 West of the 5th P.M. of Bremer County, Iowa, and further described as follows:

Beginning at a point on the North line of the NW ¼ of Section 11 that is 264.00 feet East of the Northwest corner of Section 11; Thence North 89°15'16" East 1440.94 feet along the North line of Section 11 to the Northwest corner of Eliasen Addition; Thence South 00°28'06" East 292.50 feet to the Southwest corner of Block 4 in Eliasen Addition; Thence North 89°15'16" East 180.00 feet along the South line of Eliasen Addition to a point on the East right-of-way of 1st Street SW; Thence North 00°28'06" West 12.50 feet along the East right-of-way line of 1st Street SW to the Southwest corner of Block 3 in Eliasen Addition; Thence North 89°15'16" East 556.00 feet to the Southeast corner of said Block 3 in Eliasen Addition; Thence South 00°28'06" East 12.50 feet along the West right- of-way of 3rd Street SW; Thence North 89°15'16" East 180.25 feet to the Southeast corner of Eliasen Addition; Thence South 00°28'06" East 165 feet along the East line of the NW ¼ of Section 11; Thence South 89°15'16" West
759.96 feet; Thence Northwesterly 615.49 feet along the 1960.00 foot radius curve concave Northeasterly and having a chord definition of North 81°47'54" West 612.96 feet; Thence North 72°48'08" West 824.06 feet; Thence Northwesterly 210.49 feet along an 890.00 foot radius curve concave Southwest and having a chord definition of North 79°34'39" West 210.00 feet to the Easterly line of the Westerly 264.00 feet of the NW ¼ of the NW ¼ of Section 11; Thence North 00°20'15" West 67.62 feet to the point of beginning; EXCEPT for the West
786.97 feet of the NW ¼ of the NW ¼ of Section 11.

j) Amendment No. 9 Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 9 to the Waverly Economic Development Urban Renewal Plan for the Waverly Economic Development Urban Renewal Area approved by Resolution No. 09-159 on the 21st day of December, 2009, which Amendment No. 9 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT #9 - 2009

Ordinance No. 931 passed January 18, 2010

Area "L" Highway 3 East Monaghan Business Park.

All of the Monaghan Business Park Addition; and
All of Lot 9 in the Auditor's Subdivision of the E ½ of Section 1, except for that part of Lot 9 currently included or being added into the district with the exception further described as the Monaghan Business Park Addition, and

Commencing on the southerly side of Highway 3 at a point 120 feet southerly from the Southeast corner of Lot 8 of the Auditor's Plat of the east half 1-91-14 (plat in A/148-9), thence Southwesterly at right angles to the Highway 250 feet; thence northwesterly parallel to the Highway 160 feet; thence northeasterly at right angles 214.88 feet to the southerly side of said Lot 8, thence easterly along the southerly side of Lot 8 53.20 feet to the Highway, thence southeasterly along the Highway 120 ft. to the point of beginning, and

Beginning on the south side of the highway 120 feet southeasterly from the southeast corner of Lot 8 of the Auditor's plat of the east half 1-91-14, (part of Lot 9), thence southwesterly at right angles to the highway 250 feet, thence southeasterly 80 feet, thence northeasterly 250 feet, thence northwesterly 80 feet to the point of beginning, and

A portion of Lot 9 of the Auditor's Plat of the east half of Section 1, Township 91 north, Range 14 west of the 5th P.M. in Bremer County, Iowa, described as follows: Beginning at a point on the west line of the southeast quarter of Section 1 that is north 00 00'11" east 38.60 feet from the southwest corner of the southeast quarter of Section 1; thence north 00 00'11" east 1281.87 feet to the northwesterly corner of Lot 9; thence south 89 39'54" east 816.68 feet along the northerly line of Lot 9 to a point 53.20 feet west of the northeasterly corner of Lot 9; thence south 40 42'28" west 219.05 feet, (previously described as 214.88 feet in a Warranty Deed filed in Book 161, page 396-398, in the office of the Bremer County, Iowa, Recorder); thence south 48 23'45" east 398.12 feet parallel with the northeasterly line of Lot 9; thence south 42 06'05" west 275.00 feet; thence south 48 23'45" east 480.00 feet to the westerly line of a parcel described in Book 253, page 608 in the office of the Bremer County, Iowa Recorder; thence southerly along the westerly line of said description south 42 06'05" west 134.70 feet; thence south 00 05'30" west 274.82 feet to the south line of Section 1 (south line of said Lot 9); thence North 89 26'30" west 987.20 feet to the northerly right- of-way line of Trains Unlimited (formerly Chicago Great Western Railroad); thence north 63 04'22" west 86.90 feet to the point of beginning, in the City of Waverly, Iowa, and
The northwest quarter of the northeast quarter of the northeast quarter of Section 12, Township 91 North, Range 14 West of the 5th P.M.

All within Sec. 1, T91N, R14W, City of Waverly, Bremer County, Iowa.

k) Original Central Business District Area shall mean that portion of the City of Waverly, State of Iowa, described in the Urban Renewal Plan for the Central Business District Urban Renewal Area approved by Resolution No. 99-143 on the 6th day of December, 1999, which Original Central Business District Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL CENTRAL BUSINESS DISTRICT URBAN RENEWAL AREA

Ordinance No. 736 passed January 3, 2000

Commencing at the intersection of the north right of way line of 1st Avenue Northeast and the east right of way line of 4th Street Northeast; Thence South along the east right of way line of 4th street Northeast to the South right of way line of East Bremer Avenue; Thence east on the south right of way line East Bremer Avenue to the east right of way line of 5th Street Southeast; Thence South along the east right of way line of 5th Street Southeast to the south right of way

line of 1st Avenue Southeast; Thence west on the south right of way line of 1st Avenue Southeast to the west line of the east 1/2 of the NW 1/4 of section 2 T91N R14 W of the 5th P.M.; Thence south on the west line of the east 1/2 of the NW1/4 to the south right of way extension line of 3rd Avenue Southwest; Thence west along the south right of way line of 3rd Avenue Southwest to the west right of way line of 1st Street Southwest; Thence north along the west right of way line of 1st Street Southwest to the south right of way line of 1st Avenue Southwest; Thence west on the south right of way line of 1st Avenue Southwest to the west right of way line of 5th Street Southwest; Thence north along the west right of way line of 5th Street Southwest and Northwest to the north right of way line of 1st Avenue Northwest; Thence east along the north right of way line of 1st Avenue Northwest to the east right of way line of 1st Street Northwest; Thence north along the east right of way line of 1st Street Northwest to the south right of way line of 4th Avenue Northwest; Thence east along the south right of way line of 4th Avenue Northwest to the East line of the West 1/2 of the NW1/4 of section 2 T91N R14 W of the 5th P.M.; Thence north on the east line of the West 1/2 of the NW 1/4 of section 2 T91N R14W to the southwesterly right of way line of the Rail Trail property of the City Waverly; Thence northwesterly along the southwesterly right of way of the Rail Trail to the north line of the NW 1/4 of section 2 T91N R14W; Thence east on the north line of the NW 1/4 of section 2 T91N R14W to the northeasterly right of way of the Rail Trail; Thence southeasterly along the northeasterly right of way of the Rail Trail to the north right of way line of 1st Avenue Northeast; Thence east to the point of beginning.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 3 to the Waverly Unified Urban Renewal Plan described as:

BNKD, Inc. - Parcel 0902153001, Parcel 0902153007 and Parcel 0902153008
Lot 4, Lot 7 and Lot 8, Block 1, Wm. Sturdevant's Addition to Waverly, Iowa.

Sandra L. Rada-Aleff - Parcel 0902176001
Lot 2 and Lot 3, Fractional Block 3, Waverly, Iowa as platted by William P. Harmon.

l) Amendment No. 1 Area to the Central Business District Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Central Business District Urban Renewal Area approved by Resolution No. 09-159 on the 21st day of December, 2009, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 1 TO THE
CENTRAL BUSINESS DISTRICT URBAN RENEWAL AREA

Ordinance No. 932 passed January 18, 2010

Lots 5, 6, 7 and 8 in Block 35 of Harmon & LeValley's Addition; and the 66-foot wide right-of-way of 2nd Street NW between the north right-of-way line of 1st Avenue NW and the south alley right-of-way line extended of Block 35 of Harmon & LeValley's Addition; and the 66-foot wide right-of-way of 3rd Street NW between the north right-of-way line of 1st Avenue NW and the south alley right-of-way line extended of Block 35 of Harmon & LeValley's Addition; all within the W ½ of the NW ¼ of Sec. 2, T91N, R14W, City of Waverly, Bremer County, Iowa.

m) Amendment No. 1 to the Waverly Unified Urban Renewal Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the **Waverly Unified Urban Renewal Area** approved by Resolution No. 14-49 on the 21st day of April, 2014, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 1 TO THE
WAVERLY UNIFIED URBAN RENEWAL PLAN
(CUNA Building et al, Old Junior High, Partial Amendment No. 5 – 1999)
Ordinance No. 978 passed May 19, 2014

(Note: Not all of the Amendment No. 1 to the Waverly Unified Urban Renewal Plan is included in the following ordinance provisions.)

CUNA BUILDING/NORMA WEINER TRUST PROPERTY/ STATE BANK AND TRUST PROPERTY - PARCEL 0902181001; PARCEL 0902181002; PARCEL 0902181003; PARCEL 0902180001; PARCEL 0902180002; PARCEL 0902180003

Lots One (1), Two (2) and Three (3), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon, and Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon.

The 66-foot-wide right-of-way of 2nd Street SE from the South right-of-way line of 1st Avenue SE to the extended South right-of-way line of the alley in Block 11, Original Town of Waverly, Iowa, as platted by William P. Harmon.

The 66-foot-wide right-of-way of 1st Street SE from the South right-of-way line of 1st Avenue SE to the extended South right-of-way line of Lot 3 in Fractional Block 4, Original Town of Waverly, Iowa, as platted by William P. Harmon.

The alley in Block 11, Original Town of Waverly, Iowa, as platted by William P. Harmon.

OLD JUNIOR HIGH PROPERTY - PARCEL 0902113001

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8), and the vacated alley, all in Block Thirty-Eight (38), Harmon & LeValley's Addition to Waverly, Iowa

OLD JUNIOR HIGH PROPERTY - PARCEL 0902116010

The North one-half (N1/2) of Lots One (1), Two (2), Three (3) and Four (4) in Block Thirty-Seven (37), Harmon & LeValley's Addition to Waverly, Iowa.

The 66-foot right-of-way of 1st Avenue NW from the West right-of-way line of 4th Street NW to the West right-of-way line of 3rd Street NW.

The 66-foot right-of-way of 3rd Street NW from the extended South right-of-way line of the alley in Block 35 in Harmon & LeValley's Addition to Waverly, Iowa to the North right-of-way line 2nd Avenue NW.

The 66-foot right-of-way of 2nd Avenue NW from the West right-of-way line of 3rd Street NW to the West right-of-way line of 4th Street NW.

The 66-foot right-of-way of 4th Street NW from the South right-of-way line of 2nd Avenue NW to the North right-of-way line of 1st Avenue NW.

SOUTH PART OF AMENDMENT #5 (1999)

PARCEL 0533300014

The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 33, Township 92 North, Range 14, West of the 5th P.M., East and North of the highway.

PARCEL 0533300017

The Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 33, Township 92 North, Range 14, West of the 5th P.M., except the South 268.25' of the West 196' thereof and except PARCEL D and PARCEL E.

PARCEL 0533300005
PARCEL 0533300018

Parcel E and the South 268.25' of the West 196' of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 33, Township 92 North, Range 14, West of the 5th P.M.

PARCEL 0533300015

Parcel D of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 33, Township 92 North, Range 14, West of the 5th P.M.

n) Amendment No. 2 to the Waverly Unified Urban Renewal Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 2 to the Urban Renewal Plan for the Waverly Unified Urban Renewal Area approved by Resolution No. 17-96 on the 7th day of August, 2017, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 2 TO THE
WAVERLY UNIFIED URBAN RENEWAL PLAN

(Note: Not all of the Amendment No. 2 to the Waverly Unified Urban Renewal Plan is included in the following ordinance provisions.)

Red Fox Inn property - PARCEL 0904400010

PARCEL "H" IN SE ¼ OF SECTION 4 AND SW 1/4 SECTION 3, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4 AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3, ALL IN TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. OF BREMER COUNTY, IOWA AND ALSO BEING A PORTION OF PARCEL "E" IN DOCUMENT 19994328, DOCUMENT IN BOOK 217, PAGE 377-378 AND DOCUMENT IN BOOK 236, PAGE 553-554, OF THE BREMER COUNTY RECORDER'S OFFICE AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4, THAT IS NORTH 00°32'50" EAST 702.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 4; THENCE NORTH 88°27'10" WEST 304.05 FEET; THENCE NORTH 44°27'10" WEST 366.72 FEET TO THE EASTERLY RIGHT OF WAY HIGHWAY NO.3 RECORDED IN BOOK 170, PAGE 149-152 OF THE COUNTY RECORDER, THENCE NORTHEASTERLY 813.01 FEET ALONG A 2955.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY AND HAVING A CHORD DEFINITION OF NORTH 31°17'25" EAST 810.45 FEET, TO A POINT BEING ON THE EASTERLY RIGHT OF WAY AND THE NORTHWESTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 217, PAGE 377-378; THENCE SOUTH 89°30'22" EAST 149.06 FEET, (RECORDED AS EAST 139.00 FEET) TO THE NORTHEAST CORNER OF THE SOUTH 100 ACRES OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 7.72 FEET TO THE NORTH LINE OF THE SOUTH QUARTER (S ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3 AS DESCRIBED IN BOOK 236, PAGE 553-554; THENCE SOUTH 89°49'20" EAST 133.00 FEET, (RECORDED AS NORTH 89°47'20" EAST 133.00 FEET} TO THE NORTHEASTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553-554; THENCE SOUTH 00°32'50" WEST 547.96 FEET (RECORDED AS SOUTH 00°09'30" WEST 548.10 FEET), TO THE SOUTHEAST CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553- 554; THENCE NORTH 89°27'10" WEST 133.00 FEET, (RECORDED AS NORTH 89°50'30" WEST 133.00 FEET); TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 401.18 FEET TO THE POINT OF BEGINNING, CONTAINING 9.60 ACRES, INCLUDING 0.23 ACRES IN ROADWAY EASEMENT ALONG THE EASTERLY SIDE (20TH STREET SW).

NOTE: THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF

SECTION 4 WAS ASSUMED TO BEAR SOUTH 89°21'35" WEST FOR THIS DESCRIPTION.

CMI Investments LLC Property - PARCEL 0902280014
Parcels 1 and 2:

A part of the West half of the Northwest quarter of Section 1, Township 91 North, Range 14 West of the 5th p.m., Bremer County, Iowa, lying South of State Highway No. 3 and West of the 12th Street, S.E. Waverly, Iowa, further described as follows: Beginning at the intersection of the center line of State Highway No. 3 and the West line of Section 1 (said point being South 0 degrees 26 minutes 40 seconds East 107.42 feet from the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 1): thence Southeasterly 139.29 feet along a 6 degree curve concave Southwesterly; thence South 54 degrees 58 minutes 00 seconds East 810.85 feet to the center line of 12th Street S.E.; thence South 35 degrees 02 minutes 00 seconds West 471.81 feet: thence Southwesterly 588.33 feet along a 6 degree curve concave Southeasterly; thence South 0 degrees 22 minutes 50 seconds East 351.53 feet to the North line of parcel described in Book C and Page 60 of the County Recorder; thence North 82 degrees 24 minutes 10 seconds West 331.58 feet along said North line to a 5/8 inch rebar on the West line of Section 1; thence North 0 degrees 26 minutes 40 seconds West 1783.54 feet to the point of beginning.
All that part of the South half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 2, Township 91 North, Range 14 West of the 5th P.M., Bremer County, Iowa, lying North of the Cedar Valley Railroad right-of- way and South of 1st Avenue, S.E. and Bronson Avenue, Waverly, Iowa, further described as follows:

Beginning at the intersection of the Southerly Right-of-Way line of State Highway No. 3 and the East line of Section 2, said point being South 0 degrees 26 minutes 40 seconds East 144.68 feet from the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 2; thence South 0 degrees 26 minutes 40 seconds East 1746.28 feet along the East line of Section 2 to a 5/8 inch rebar found on the East line of Section 2 and 304.92 feet North of the Northerly Right-of-Way of the Cedar Valley Railroad; thence South 74 degrees 44 minutes 15 seconds West 223.03 feet, (previously recorded as North 75 degrees 45 minutes East 222.42 feet) to a 5/8 inch rebar found on the Railroad Right-of-Way; thence South 50 degrees 45 minutes 10 seconds West 75.00 feet (to a 5/8 inch rebar that is at right angles to and 65.00 feet from the center line of the main track as now located; thence North 39 degrees 14 minutes 50 seconds West 394.90 feet, parallel to and 65.00 feet from the center line of said main track; thence Northwesterly 850.18 feet along a 2 degree 25 minutes 25 seconds Railroad curve concave Southwesterly; thence North 58 degrees 48 minutes 00 seconds West 804.44 feet; thence Northwesterly 226.00 feet along a 3 degrees 06 minutes 20 seconds railroad curve concave Northeasterly to a rebar that is 10.00 feet from the center line of the most Northeasterly spur track of said railroad as now located. Said point also is on the East line of Lot 7 of the Southwest Quarter of the Northeast Quarter of Section 2: thence North 41 degrees 26 minutes 00 seconds West 301.94 feet along chord definition; thence North 89 degrees 14 minutes 40 seconds East 903.00 feet to West line of the Southeast Quarter of the Northeast Quarter of Section

2; thence South 0 degrees 31 minutes 20 seconds East 16.00 feet to a 5/8 inch rebar on the South Right-of-Way line of 1st Avenue, S.E. and the West line of the Southeast Quarter of the Northeast Quarter of Section 2; thence North 89 degrees 40 minutes 20 seconds East 293.42 feet to a 5/8 inch rebar on the South line of 1st Avenue S.E., and the West line of Lot 7 of the Southeast Quarter of the Northeast Quarter; thence South 1 degree 52 minutes 45 seconds East 283.50 feet to a rebar at the Southwest comer of said Lot 7: thence North 89 degrees 36 minutes 40 seconds East 79.80 feet along the South line of Lot 7, to a 1 inch steel pipe found; thence North 0 degrees 03 minutes 20 seconds East 140.00 feet to a 5/8 inch rebar, being on the West line of the East 284.00 feet of Lot 7; thence North 89 degrees 36 minutes 40 seconds East 50.00 feet to a 5/8 inch rebar on the North line of the South 140.00 feet of Lot 7; thence South 0 degrees 03 minutes 20 seconds West 140.00 feet to a 3/8 inch steel rod found on the South line of Lot 7; thence North 89 degrees 36 minutes 40 seconds East 50.00 feet to a ¾ inch steel pipe found on the South line of Lot 7 and 184.00 feet West of the Southeast corner of Lot 7; thence North 1 degree 41 minutes 45 seconds East 139.20 feet to a 1 inch steel pipe found on the North line of the South 140.00 feet of the East 184.00 feet of Lot 7; thence 89 degrees 19 minutes 40 seconds East 164.25 feet to a l inch steel pipe found on the North line of the South 140.00 feet of the East 16.5 feet of Lot 7; thence North 0 degrees 12 minutes 20 seconds West 143.10 feet to a 5/8 inch rebar on the South line of 1st Avenue, S.E.; thence North 89 degrees 40 minutes 20 seconds East 33.00 feet along the South line at 1st Avenue, S.E.; thence North 0 degrees 12 minutes 20 seconds West 16.00 feet to the South line of East Waverly Addition; thence North 89 degrees 40 minutes 20 seconds East 3.00 feet to a 5/8 inch rebar at the Southwest corner of Block 5 of the East Waverly Addition; thence North 0 degrees 31 minutes 40 seconds West 90.00 feet to the Northwest corner of Block 5 of said addition; thence North 88 degrees 16 minutes 40 seconds East 346.54 feet to the Northwest corner of Block 6; thence North 0 degrees 36 minutes 00 seconds West 223.61 feet to the Southerly Right-of-Way of State Highway No. 3; thence Southwesterly 316.37 feet along a 6 degree 12 minutes 51 seconds curve to the point of beginning, except all of Lots 10 and 11, Block 5 and a part of Bronson Avenue adjacent to Block 3 and 6 of East Waverly Addition now used as Bronson Avenue and 10th Street S.E., as deeded to the City of Waverly and recorded in Book 113, Page 633 of the office of the County Recorder.

Excepting from the above Parcel 1 and Parcel 2 those portions thereof conveyed for road purposes in Warranty Deeds dated January 4, 1996, filed January 12, 1996 as Document Nos. 19960176 and 19960177; ALSO EXCEPT that portion thereof described as Parcel D on the Plat of Survey filed February 18, 1998 as Document No. 19980662, and subsequently conveyed by Warranty Deed dated March 10, 1998, filed March 17, 1998 as Document No. 19981129;

EXCEPT that portion thereof described as Parcel L on the Plat of Survey filed December 16, 2003 as Document No. 20038609, and subsequently conveyed by Warranty Deed dated January 4, 2004, filed January 29, 2004 as Document No. 20040525; and

EXCEPT that portion thereof described as Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 5, East Waverly Addition to Waverly, Iowa conveyed by Warranty Deed dated June 10, 2004, filed June 17, 2004 as Document No. 20043231, all in the records of the Bremer County Recorder.

Parcel 3:
Lots 12, 13, 14 and 15 of Block V, East Waverly Addition, and Lots 1 and 2 of Block VI, East Waverly Addition, Waverly, Iowa.

EXCEPT THAT PROPERTY REMOVED BY Amendment No. 6 to the Waverly Unified Urban Renewal Plan described as:

Red Fox Inn property - PARCEL 0904400010
PARCEL "H" IN SE ¼ OF SECTION 4 AND SW 1/4 SECTION 3, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4 AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3, ALL IN TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. OF BREMER COUNTY, IOWA AND ALSO BEING A PORTION OF PARCEL "E" IN DOCUMENT 19994328, DOCUMENT IN BOOK 217, PAGE 377-378 AND DOCUMENT IN BOOK 236, PAGE 553-554, OF THE BREMER COUNTY RECORDER'S OFFICE AND FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4, THAT IS NORTH 00°32'50" EAST 702.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 4; THENCE NORTH 88°27'10" WEST 304.05 FEET; THENCE NORTH 44°27'10" WEST 366.72 FEET TO THE EASTERLY RIGHT OF WAY HIGHWAY NO.3 RECORDED IN BOOK 170, PAGE 149-152 OF THE COUNTY RECORDER, THENCE NORTHEASTERLY 813.01 FEET ALONG A 2955.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY AND HAVING A CHORD DEFINITION OF NORTH 31°17'25" EAST 810.45 FEET, TO A POINT BEING ON THE EASTERLY RIGHT OF WAY AND THE NORTHWESTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 217, PAGE 377-378; THENCE SOUTH 89°30'22" EAST 149.06 FEET, (RECORDED AS EAST 139.00 FEET) TO THE NORTHEAST CORNER OF THE SOUTH 100 ACRES OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 7.72 FEET TO THE NORTH LINE OF THE SOUTH QUARTER (S ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3 AS DESCRIBED IN BOOK 236, PAGE 553-554; THENCE SOUTH 89°49'20" EAST 133.00 FEET, (RECORDED AS NORTH 89°47'20" EAST 133.00 FEET} TO THE NORTHEASTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553-554; THENCE SOUTH 00°32'50" WEST 547.96 FEET (RECORDED AS SOUTH 00°09'30" WEST 548.10 FEET), TO THE SOUTHEAST CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553- 554; THENCE NORTH 89°27'10" WEST 133.00 FEET, (RECORDED AS NORTH 89°50'30" WEST 133.00 FEET); TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 401.18 FEET TO THE POINT OF BEGINNING, CONTAINING 9.60 ACRES, INCLUDING 0.23 ACRES IN

ROADWAY EASEMENT ALONG THE EASTERLY SIDE (20TH STREET SW).
NOTE: THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4 WAS ASSUMED TO BEAR SOUTH 89°21'35" WEST FOR THIS DESCRIPTION.

o) Amendment No. 3 to the Waverly Unified Urban Renewal Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 3 to the Urban Renewal Plan for the Waverly Unified Urban Renewal Area approved by Resolution No. 18-170 on the 17th day of December, 2018, which Amendment No. 3 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 3 TO THE
WAVERLY UNIFIED URBAN RENEWAL PLAN

(Note: Not all of the Amendment No. 3 to the Waverly Unified Urban Renewal Plan is included in the following ordinance provisions.)

Tri-B Limited – Parcel 0910400058
Lot 4, Block 1, Wal-Mart First Addition to the City of Waverly, Iowa

Walker Auto Salvage Incorporated – Parcel 0910400057
Lot 5, Block 1, Wal-Mart First Addition to the City of Waverly, Iowa

p) Amendment No. 4 to the Waverly Unified Urban Renewal Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 4 to the Urban Renewal Plan for the Waverly Unified Urban Renewal Area approved by Resolution No. 19-40 on the 18th day of March, 2019, which Amendment No. 4 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 4 TO THE
WAVERLY UNIFIED URBAN RENEWAL PLAN

(Note: Not all of the Amendment No. 4 to the Waverly Unified Urban Renewal Plan is included in the following ordinance provisions.)

BNKD, Inc. - Parcel 0902153001, Parcel 0902153007, Parcel 0902153008
Lot 4, Lot 7 and Lot 8, Block 1, Wm. Sturdevant's Addition to Waverly, Iowa.

Sandra L. Rada-Aleff (Movie Guys, LLC, contract holder) - Parcel 0902176001
Lot 2 and Lot 3, Fractional Block 3, Waverly, Iowa as platted by William P. Harmon.

Wavtown Properties, LLC - Parcel 0910226052
Retracement Survey In the NE ¼ of Section 10, Township 91 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa described as follows: Commencing of the Northeast corner of said Section 10; thence South 00 degrees 19 minutes 35 seconds East (assumed bearing), 1156.82 feet along the East line of said Quarter Section to the Southeast Corner of Engstrom Addition to the City of Waverly and the point of beginning; thence continuing South 00 degrees 19 minutes 35 seconds East, 205.81 feet along said East line to the Northeast corner of Parcel U; thence North 89 degrees 45 minutes 32 seconds West, 294.50 feet along the North line of said Parcel U to the Northwest corner thereof; thence

North 00 degrees 19 minutes 35 seconds West, 40.00 feet along the West line of the East 294.50 feet of said Quarter Section to the South line of the NE ¼ of said Quarter Section; thence North 89 degrees 45 minutes 32 seconds West 374.54 feet along said South line to the City of Waverly Golf and Country Club Property; thence North 01 degree 34 minutes 11 seconds West, 102.75 feet; thence North 64 degrees 17 minutes 55 seconds East, 132.50 feet both along the Easterly lines of said City of Waverly Golf and Country Club property; thence North 89 degrees 05 minutes 46 seconds East, 257.04 feet to the Southwest corner of said Engstrom Addition; thence South 89 degrees 45 minutes 32 seconds East, 294.50 feet along the South line of said Engstrom Addition to the point of beginning.

Wavtown Properties, LLC - Parcel 0910276022

The NE ¼ of the SE ¼ of the NE ¼ of Section 10, T91N, R14W of the 5th P.M., except the South 385 feet thereof and except the North 100 feet of the South 485 feet of the East 291.64 feet thereof and except the North 40 feet of the East 294½ feet thereof, and also except Parcel U described in Plat of Survey recorded as Doc. No. 20055914, Bremer County records.

Wavtown Properties, LLC - Parcel 0910276023

Parcel U described in Plat of Survey recorded as Doc. No. 20055914, Bremer County records.

Joan E Richmann & Donald W. Richmann - Parcel 0910276004

The East 291.64 feet of the North 100 feet of the South 485 feet of the NE ¼ of the SE ¼ of the NE ¼ of Section 10, T91N, R14W of the 5th P.M.

Dominic Tangen - Parcel 0910226034

Lot 9, Engstrom Addition to Waverly, Iowa, except lands conveyed to the City of Waverly, Iowa described in Warranty Deed recorded as Doc. No. 19910266, Bremer County, Iowa.

Waverly Medical Park, LLC - Parcel 0911101026 and Parcel 0911126007

The N½ of the NW¼ of Sec 11, T91N, R14W of the 5th P.M.,
EXCEPT: the N 275' of the W 264' thereof, and
EXCEPT: Beginning 275' S of the NW corner of Sec 11, thence N 89°35'00" E 786.97', thence S 1044.60', thence S 89°20'40" W 787.00', thence N 1047.88' to the point of beginning, and
EXCEPT: Eliasen Addition described in Plat Proceedings, Doc. No. 19952488, recorded in the Office of the Recorder of Bremer County, Iowa, and
EXCEPT: Parcel I described in Survey Doc. 20012729, recorded in the Office of the Recorder of Bremer County, Iowa, and
EXCEPT: lands deeded to the City of Waverly, Iowa described in Doc. No. 20002654 and Doc. No. 20002868 and Doc. No. 20143023, all recorded in the office of the Recorder of Bremer County, Iowa, and
EXCEPT: that part platted as Omni Development First Addition, Waverly, Bremer County, Iowa (Document No. 20161217) and Omni Development Second Addition, Waverly, Bremer County, Iowa (Document No. 20161218).

Advance Waverly, LLC - Parcel 0911351002

Parcel "00", located entirely within a certain parcel of land described as Outlot "A" in the Centennial Oaks Golf Club Addition recorded in Doc. No. 20171357 in the Office of the Recorder of Bremer County, Iowa in the W ½ of the SW ¼ of Sec 11, T91N, R14W of the

5th P.M., Bremer County, Iowa, more particularly described in Doc. No. 20173564, recorded in the Office of the Recorder of Bremer County, Iowa.

q) Amendment No. 5 to the Waverly Unified Urban Renewal Area shall mean that portion of the City of Waverly, State of Iowa, described in Amendment No. 5 to the Urban Renewal Plan for the Waverly Unified Urban Renewal Area approved by Resolution No. 19-137 on the 9th day of September, 2019, which Amendment No. 5 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 5 TO THE
WAVERLY UNIFIED URBAN RENEWAL PLAN

(Note: Not all of the Amendment No. 5 to the Waverly Unified Urban Renewal Plan is included in the following ordinance provisions.)

Hanawalt Farms, LLC
Parcel 1006400014

Parcel H, in the Southwest Quarter of the Southeast Quarter of Section 6, Township 91, Range 13 West of the 5th P.M, according to Plat of Survey recorded as Doc. No. 20192705, Bremer County records.

Dealer Sites LLC
Parcel 0911300019

Commencing at the Southwest corner of Section 11, T91N, R14W of the 5th P.M., running thence East 447 feet along the South line of said Section 11, thence North 533 feet, thence West 442.19 feet to the West line of said Section 11, thence South 0°31'00" West 533.02 feet along the West line of the SW1/4 of said Section 11 to the point of beginning, and all of grantor's rights of direct access at Sta.361+39± (Property Line) and Sta. 366+75± (Property Line), on the east side of Primary Road No. 218 located in Section 11, Township 91 North, Range 14 West of the 5th P.M., but except therefrom the following:
Beginning at the SW corner of said Sec. 11; thence N 00° 13 ½' W, 533.0 ft. along the west line of the SW ¼ of said Sec. 11; thence N 89° 15 ½' E, 59.1 ft. along the northerly property line; thence S 00°18'E, 447.4 ft.; thence S 50°29'E, 81.4 ft.; thence S 00°56'E,
33.0 ft.; thence S 89°15 ½'W, 122,8 ft. along the south line of the SW ¼ of said Sec. 11 to the Point of Beginning;
Subject to Controlled Access between Primary Road No. 218 and the subject property except as previously permitted, reserved at Sta. 361+39± (Property Line) and at Sta. 366+75± (Property Line), on the east side.

Dealer Sites LLC
Parcel 0911300031

The South 200 feet of Parcel D. Parcel D is described as: A part of the SW ¼ of the SW ¼ of Sec 11, T91N, R14W of the 5th P.M. in the City of Waverly, Bremer County, Iowa, described as follows: Beginning at a point on the Easterly right of way line of the relocated Highway No. 218 that is N 00°13'30" W 533.00 feet and N 89°15'30" E 85.70 feet from the SW corner of Sec 11; thence N 00°08'00" W 386.70 feet along said Highway right of way to the S line of the N 400 feet of the SW ¼ of the SW ¼ of Sec 11; thence N 89°49'00" E 313.70 feet to the E line of W 400 feet of said ¼-1/4 of Sec 11; thence S 00°13'30" E

383.64 feet along the E line of the W 400 feet of the said ¼-1/4 of Sec 11; thence S 89°15'30" W 314.30 feet to the point of beginning.

r) Amended Area shall mean that portion of the City of Waverly, State of Iowa, included within the Original Economic Development Urban Renewal Area, Amendment No. 1 Area, Amendment No. 2 Area, Amendment No. 3 Area, Amendment No. 4 Area, Amendment No. 5 Area, Amendment No. 6 Area, Amendment No. 7 Area, Amendment No. 8 Area, Amendment No. 9 Area, Central Business District Urban Renewal Area, Amendment No. 1 to Central Business District Urban Renewal Area, Amendment No. 1 to the Waverly Unified Urban Renewal Area, Amendment No. 2 to the Waverly Unified Urban Renewal Area, Amendment No. 3 to the Waverly Unified Urban Renewal Area, Amendment No. 4 to the Waverly Unified Urban Renewal Area, and Amendment No. 5 to the Waverly Unified Urban Renewal Area which Amended Area includes the lots and parcels located within the area legally described in subparagraphs (a) through (q) above.

Section 2. The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Bremer, Iowa, Waverly-Shell Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3. As to the Original Economic Development Urban Renewal Area, and each subsequent amendment area and the Original Central Business District Urban Renewal Area, and each subsequent amendment area, each such area and subareas have a frozen base valuation upon which base period taxes are levied pursuant to Iowa Code Section 403.19(1). This Ordinance makes no changes in the base period values, which have been determined previously, except the base period values for certain areas will be reduced to the extent (a) property was removed from the Amendment No. 2 Area, the Amendment No.5 Area and the Amendment No. 6 Area by Amendment No. 2 to the Waverly Unified Urban Renewal Plan and Ordinance No. 1025; (b) property was removed from the Amendment No. 5 Area and the Central Business District Urban Renewal Area by Amendment No. 3 to the Waverly Unified Urban Renewal Plan and Ordinance No. 1053; and (c) property is being removed from the Amendment No. 5 Area by Amendment No. 4 to the Waverly Unified Urban Renewal Plan and this Ordinance.

As to Amendment No. 1 to Waverly Unified Urban Renewal Area, base period taxes for the property described above in Section 1(m) shall be computed using the total assessed value shown on the assessment roll as of January 1, 2013, being the assessment roll applicable to property in such Amendment No. 1 Area as of January 1 of the calendar year preceding the effective date of Ordinance No 978.

As to Amendment No. 2 to Waverly Unified Urban Renewal Area, base period taxes for the property described above in Section 1(n) (which excludes the property removed by Amendment No. 6 to the Waverly Unified Urban Renewal Plan and this Ordinance) shall be computed using the total assessed value shown on the assessment roll as of January 1, 2016, being the assessment roll applicable to property in such Amendment No. 2 Area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1025.

As to Amendment No. 3 to Waverly Unified Urban Renewal Area, base period taxes for the property described above in Section 1(o) shall be computed using the total assessed value

shown on the assessment roll as of January 1, 2017, being the assessment roll applicable to property in such Amendment No. 3 Area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1053.

As to Amendment No. 4 to Waverly Unified Urban Renewal Area, base period taxes for the property described above in Section 1(p) shall be computed using the total assessed value shown on the assessment roll as of January 1, 2018, being the assessment roll applicable to property in such Amendment No. 4 Area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1060.

As to Amendment No. 5 to Waverly Unified Urban Renewal Area, base period taxes for the property described above in Section 1(q) shall be computed using the total assessed value shown on the assessment roll as of January 1, 2018, being the assessment roll applicable to property in such Amendment No. 5 Area as of January 1 of the calendar year preceding the effective date of Ordinance No. 1066.

Section 4. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Waverly, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Waverly, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 in effect as of the time this Ordinance becomes effective shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

Section 5. Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Waverly, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Except with respect to the property removed from the Amendment No. 2 to the Waverly Unified Urban Renewal Area by Amendment No. 6 to the Waverly Unified Urban Renewal Plan and this Ordinance, the provisions of this Ordinance are intended and shall

be construed so as to continue the division of taxes from property within the Original Economic Development Urban Renewal Area, Amendment No. 1 Area, Amendment No. 2 Area, Amendment No. 3 Area, Amendment No. 4 Area, Amendment No. 5 Area, Amendment No. 6 Area, Amendment No. 7 Area, Amendment No. 8 Area, Amendment No. 9 Area, the Original Central Business District Urban Renewal Area, Amendment No. 1 to Central Business District Urban Renewal Area, Amendment No. 1 to the Waverly Unified Urban Renewal Area, Amendment No. 2 to the Waverly Unified Urban Renewal Area (as amended by this Ordinance), Amendment No. 3 to the Waverly Unified Urban Renewal Area, Amendment No. 4 to the Waverly Unified Urban Renewal Area, and Amendment No. 5 to the Waverly Unified Urban Renewal Area, under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, and 1066. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

Section 8. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of December, 2020.

The following Ordinance 1081 adopted December 15, 2020 includes legally described property included in The West Waverly Urban Renewal Plan:

ORDINANCE NO. 1081

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL TAXABLE PROPERTY LOCATED WITHIN THE WEST WAVERLY URBAN RENEWAL AREA, IN CITY OF WAVERLY, COUNTY OF BREMER STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF WAVERLY, COUNTY OF BREMER, WAVERLY-SHELL ROCK, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE WEST WAVERLY URBAN RENEWAL AREA (**THE WEST WAVERLY URBAN RENEWAL PLAN**)

WHEREAS, the City Council of the City of Waverly, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 20-171 passed and approved on the 16th day of November, 2020, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the West Waverly Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the taxable (the City is not placing certain right of way located in the Urban Renewal Area in this TIF Ordinance) lots and parcels located within the area legally described as follows:

1. Former Red Fox Inn property

PARCEL 0904400010

PARCEL "H" IN SE ¼ OF SECTION 4 AND SW 1/4 SECTION 3, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4 AND THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3, ALL IN TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. OF BREMER COUNTY, IOWA AND ALSO BEING A PORTION OF PARCEL "E" IN DOCUMENT 19994328, DOCUMENT IN BOOK 217, PAGE 377-378 AND DOCUMENT IN BOOK 236, PAGE 553-554, OF THE BREMER COUNTY RECORDER'S OFFICE AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4, THAT IS NORTH 00°32'50" EAST 702.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 4; THENCE NORTH 88°27'10" WEST 304.05 FEET; THENCE NORTH 44°27'10" WEST 366.72 FEET TO THE EASTERLY RIGHT OF WAY HIGHWAY NO.3 RECORDED IN BOOK 170, PAGE 149-152 OF THE COUNTY RECORDER, THENCE NORTHEASTERLY 813.01 FEET ALONG A 2955.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY AND HAVING A CHORD DEFINITION OF NORTH 31°17'25" EAST 810.45 FEET, TO A POINT BEING ON THE EASTERLY RIGHT OF WAY AND THE NORTHWESTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 217, PAGE 377-378; THENCE SOUTH 89°30'22" EAST 149.06 FEET, (RECORDED AS EAST 139.00 FEET) TO THE NORTHEAST CORNER OF THE SOUTH 100 ACRES OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 7.72 FEET TO THE NORTH LINE OF THE SOUTH QUARTER (S ¼) OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 3 AS DESCRIBED IN BOOK 236, PAGE 553-554; THENCE SOUTH 89°49'20" EAST 133.00 FEET, (RECORDED AS NORTH 89°47'20" EAST 133.00 FEET} TO THE NORTHEASTERLY CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553-554; THENCE SOUTH 00°32'50" WEST 547.96 FEET (RECORDED AS SOUTH 00°09'30" WEST 548.10 FEET), TO THE SOUTHEAST CORNER OF A DOCUMENT RECORDED IN BOOK 236, PAGE 553- 554; THENCE NORTH 89°27'10" WEST 133.00 FEET, (RECORDED AS NORTH 89°50'30" WEST 133.00 FEET); TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4; THENCE SOUTH 00°32'50" WEST 401.18 FEET TO THE POINT OF BEGINNING, CONTAINING 9.60 ACRES, INCLUDING 0.23 ACRES IN ROADWAY EASEMENT ALONG THE EASTERLY SIDE (20TH STREET SW).

NOTE: THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 4 WAS ASSUMED TO BEAR SOUTH 89°21'35" WEST FOR THIS DESCRIPTION.

2. MEIER-HANSON PROPERTIES

PARCEL 0904400011

Parcel "E" as described in Plat of Survey recorded as Document 19994328 of the Bremer County records, except that part included in Parcel "H" as described in Plat of Survey recorded as Document 20021492.

PARCELS 0904400005 and 0904400006

A parcel located in the SE 1/4 of Sec 4, Twp 91 N, Rge 14 W of the 5th P.M. in the City of Waverly, Iowa described as follows: Commencing at the SE corner of said Section 4, running thence W along S section line until it intersects with the center line of side road running NWrly connecting to Iowa Primary Road No. 3, thence along the center line of said connecting side road until it intersects with the S line of the abandoned Iowa Primary Road No. 3 as shown by Resolution of Abandonment recorded in Book 176, pages 171-174, records of Bremer County, Iowa, thence in a NErly direction along the Srly line of said abandoned Iowa Primary Road No. 3 to the E line of said Sec 4, thence S along said E line to the place of beginning; EXCEPT any lands which may be included in above and which were conveyed to State of Iowa are described in Warranty Deed recorded in Book 170, pages 149-152 records of Bremer County, Iowa and EXCEPT any lands which may be included in the following description: Commencing at a point on the section line 932 feet N of the SE corner of said Sec 4, thence N 89º50'30" W 260.00 feet, thence N 41º56'50" W 261.03 feet to a point 90.00 feet radially distant from the center line of Primary Road No. 3 at Station 157+50; thence Northeasterly along a 2955.00 foot radius curve to a point 90.00 feet radially distant SErly from said center line on an east-west line through Station 163+03; thence E along said line 139.00 feet to the E line of said Sec 4; thence S 0º09'30" W 726.00 feet to the point of beginning; and

All that part of the South 100 acres of the Southeast Quarter (SE 1/4) of Section 4, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa, lying East of the East right of way line of the connection side road (10th Avenue SW) and South of a line described as beginning at a point of the East line of the Southeast Quarter (SE 1/4) of Section 4 that is North 00º32'50" East 410.00 feet from the Southeast corner of Section 4; thence South 76º22'28" 983.71 feet to the East right of way line of 10th Avenue SW, also being the Southerly line of Parcel E of Section 4.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Waverly, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Waverly, State of Iowa, desires to provide for the division of revenue from taxation on the taxable parcels in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19, Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Waverly, County of Bremer, Waverly-Shell Rock, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Waverly, State of Iowa, certifies to the Auditor of Bremer County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Waverly, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12, Code of Iowa, as amended, incurred by the City of Waverly, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, Code of Iowa, and taxes for the instructional support program of a school district imposed pursuant to Section 257.19, Code of Iowa, (but in each case only to the extent required under Section 403.19(2), Code of Iowa); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Section 346.27(22), Code of Iowa, related to joint county-city buildings; and (iv) any other exceptions under Section 403.19, Code of Iowa, shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Waverly, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19, Code of Iowa, as amended,

with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19, Code of Iowa, with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7th day of December, 2020.

ORDINANCE NO. 1137

AN ORDINANCE AMENDING ORDINANCE NOS. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066 AND 1080 AND PROVIDING THAT GENERAL PROPERTY TAXES SHALL NO LONGER BE DIVIDED ON **CERTAIN PROPERTY** LOCATED WITHIN THE WAVERLY UNIFIED URBAN RENEWAL AREA, IN THE CITY OF WAVERLY, COUNTY OF BREMER, STATE OF IOWA (REMOVING NONTAXABLE PROPERTY FROM DIVISION OF REVENUE)

WHEREAS, the City Council of the City of Waverly, State of Iowa, has heretofore, in Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066 and 1080 (collectively, the "TIF Ordinance") provided for the division of taxes within the Waverly Unified Urban Renewal Area ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City Council of the City of Waverly has determined that in order to fulfill the purposes, objectives and projects for the Urban Renewal Area, certain nontaxable portions of the Urban Renewal Area should be removed from the TIF Ordinance and no longer subject to the division of taxes under Section 403.19 of the Code of Iowa.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, STATE OF IOWA, THAT:

Section 1. That the following portions of the Waverly Unified Urban Renewal Area (collectively the "Removed Property") shall be removed from the application of the TIF Ordinance and shall no longer be subject to the division of taxes under Section 403.19 of the Code of Iowa described in said Ordinance:

A. Property Removed from the "Original Area" as defined in the TIF Ordinance (Ordinance No. 569):
Parcel 0533451005 – Riverwood Church EXEMPT – Lots 5 & 6, Willow Lawn Industrial Addition to Waverly, Iowa.

B. Property Removed from the "Amendment No. 1 Area" as defined in the TIF Ordinance (Ordinance No. 585):

Parcel 0533427004 - City of Waverly 20th Street NW ROW – EXEMPT The S 174.57 feet of the E 63 feet of the NE¼ of the SE¼, in Section 33, Township 92 N., Range 14, West of the 5th P.M., South of the railroad ROW.

Parcel 0535364009 - City of Waverly ROW — City Rail Trail – EXEMPT - Vacated railroad right of way in in the SW¼ of the SW½ of Section 35, Township 92 N, Range 14, West of the 5th P.M. East of 1st Street NW and south of 6th Avenue NW.

WARTBURG COLLEGE RECREATIONAL PROPERTIES - EXEMPT

Parcel 0534305003 - That part of the NW¼ of the SW¼ of Section 34, Township 92 N, Range 14 West of the 5th P.M. between and excluding the railroad rights of way.

Parcel 0534352001 - Lot 2, a part of the A P of the S ½ SW¼ of Section 34, Township 92, Range14, West of the 5th P.M.

Parcel 0534377004 - Lots 19-37 and vacated street between said lots in Garner's Addition to Waverly, Iowa.

Parcel 0534377005 - Vacated alley between Lots 10-18 and Lots 19-27 in Garner's Addition to Waverly, Iowa.

Parcel 0534378005 - Vacated 13th St NW between 5th Ave NW and railroad ROW, in Waverly Iowa.

Parcel 0534378006 - Lots 10-18 Garner's Addition to Waverly, Iowa north of 5th Ave NW.

Parcel 0534379005 - Lot 4 Garner's Addition, to Waverly Iowa.

Parcel 0534379009 - Lots 5-9 Garner's Addition, to Waverly Iowa.

Parcel 0534379011 - Vacated 5th Ave NW between 12th St NW & W Line of Lot 12 Block 1 Sunnyside Addition, in Waverly, Iowa.

Parcel 0534379012 - Lots 1, 2 & 3 and alley adjacent to Lot 1, north of re-aligned 5th Ave NW in Garner Add to Waverly, Iowa.

Parcel 0534379014 - Lots 1 & 2 and alley adjacent to Lot 1, south of re-aligned 5th Ave NW in Garner Add to Waverly, Iowa.

WARTBURG COLLEGE PROPERTIES NORTH OF 5TH AVE NW - EXEMPT

Parcel 0534455010 - Lots 1-6 in the SW¼ of the SE¼ in Section 34, Township 92 N, Range 14, West of the 5th P.M.; and the West 33 feet of Lot 6, Block 67, Knott's Addition to Waverly, Iowa.

Parcel 0534484005 - The north one-half of Lot 8, Block 67, the north 53 feet of Lot 7, Block 67 and the north 53 feet of the East 13 feet of Lot 6, Block 67, Knotts Addition to Waverly.

Parcel 0534484006 - Lot 7 and the east 13 feet of Lot 6, Block 67, except the north 53 feet thereof, Knotts Addition to Waverly, Iowa.

Parcel 0534484007 - The south one-half of Lot 8, Block 67, Knotts Addition to Waverly, Iowa.

Parcel 0534484008 - Parcel 0534484009 - Parcel 0534484010 - Parcel 0534484011 - Lots 1, 2 and 3, Block 67, Knotts Addition to Waverly, Iowa.

Parcel 0534484012 - The vacated alley in Block 67, Knotts Addition to Waverly, Iowa.

CITY OF WAVERLY DRY RUN PROPERTIES - EXEMPT

Parcel 0534479002 - Lot 6, Block 68, Knotts Addition to Waverly, Iowa.

Parcel 0534479003 - Lots 7 and 8, Block 68, Knotts Addition to Waverly, Iowa.

Parcel 0534485001 - The north one-half of Lot 4, Block 56, Knotts Addition to Waverly, Iowa.

Parcel 0534485002 - The north one-half of Lot 3, Block 56, Knotts Addition to Waverly, Iowa.

Parcel 0534485003 - Lot 2, Block 56, Knotts Addition to Waverly, Iowa.

Parcel 0534485004 - Lot 1, Block 56, Knotts Addition to Waverly, Iowa.

Parcel 0534485005 - The south one-half of Lots 3 & 4, Block 56, Knotts Addition to Waverly, Iowa.

Parcel 0534486002 - The north one-half of Lots 5 & 6, Block 53, Knotts Addition to Waverly, Iowa.
Parcel 0534486003 - The south one-half of Lots 5 & 6, Block 53, Knotts Addition to Waverly, Iowa.

CEDAR RIVER RR CO TREASURY AND TAXATION PROPERTIES - EXEMPT

Parcel 0534503001 – Cedar River Railroad right of way between the centerline of 20th Street NW and the centerline of 5th Ave NW in the SW¼ of Section 34, Township 92 N, Range 14, West of the 5th P.M.
Parcel 0534505001 - Cedar River Railroad right of way between the centerline of 20th Street NW and the centerline of 12th Street NW in the SW¼ of Section 34, Township 92 N, Range 14, West of the 5th P.M.
Parcel 0534505002 - Cedar River Railroad right of way between the centerline of 12th Street NW and the East line the SW¼ of Section 34, Township 92 N., Range 14, West of the 5th P.M.
Parcel 0535505001 - Cedar River Railroad right of way, running across the SW ¼ of Sec 35 from the West line splitting in Blk 11 of JJ Smith's Addition to Waverly, Iowa and going Northeast to the South right of way line of 9th Avenue NW East of Adams Parkway, and Southeast to the West line of 1st St NW in part of Lots 1 & 2 Blk 7, JJ Smith's Add to Waverly, Iowa in the SW ¼ of Section 35, Township 92 N, Range 14, West of the 5th M.

C. Property Removed from the "Amendment No. 2 Area" as defined in the TIF Ordinance (Ordinance No. 609):

Parcel 0535326010 - City of Waverly - Utilities Property – EXEMPT - Parcel in the SW part of the NE¼ of the SW¼, of Section 35, Township 92 N, Range 14, West of the 5th P.M., according to surveys recorded as Doc. No. 1983-752 and Doc. No. 1991-1676, except Parcel Y according to Doc. No. 20202976.
Parcel 0535326022 - MidAmerican Energy – EXEMPT - Unit 8, Sugar Beet Utility Condos as described in Warranty Deed #2022-1143 in the Office of the Bremer County Recorder.
Parcel 0910400051 - City of Waverly ROW – EXEMPT - Technology Place - Parcel C Public Greenway in the NE corner of Waverly Industrial Plaza Addition to Waverly, Iowa as described in document No 2018-2139.

Parcel 0910400078 - City of Waverly ROW – EXEMPT - Technology Place – Greenway in the NE corner of Waverly Industrial Plaza Addition to Waverly, Iowa, South of Technology Place ROW, except Parcel C and Parcel AA.

Parcel 0910505003 – City of Waverly RR ROW – EXEMPT - North 135 feet of the Cedar River Railroad Company's 100' wide RR ROW in NW¼ NE¼ of Section 10, Township 91 N., Range 14, West of the 5th P.M.

Parcel 0903505009 – City of Waverly railroad right of way – EXEMPT - The South 145 feet of the Cedar River Railroad Company's 100' wide railroad right of way in the SW ¼ SE¼ of Section 3, Township 91 N., Range 14, West of the 5th P.M.
Parcel 0910276019 – City of Waverly Detention – EXEMPT – Public Greenway East of Lot 2, Waverly Industrial Plaza Addition, to Waverly, Iowa.

Parcel 0910400070 – City of Waverly Detention – EXEMPT – Public Greenway East of Lot 3 and NE of Lot 4, except Parcel V, Waverly Industrial Plaza Addition, to Waverly, Iowa.

Parcel 0910400072 – City of Waverly Detention – EXEMPT - Lot 4, except the west 573.45 thereof and except Parcel K and except Parcel V, Waverly Industrial Plaza Addition to Waverly, Iowa.

CEDAR RIVER RR CO TREASURY AND TAXATION PROPERTIES - EXEMPT

Parcel 0903505001 – Cedar River Railroad right of way between the centerline of 5th Avenue NW and the centerline of 12th Street NW extended South to the centerline of Bremer Avenue in Section 3, Township 91 N., Range 14, West of the 5th P.M.

Parcel 0903505002 – Parcel 0903505003 – Parcel 0903505004 – Parcel 0903505005 – Four adjacent parcels of Cedar River Railroad right of way between the centerline of 12th Street NW extended South to the centerline of Bremer Avenue and the current Westerly right of way line of 12th Street NW lying North of Bremer Avenue, being parts of the Lots 7-10, Block 114 Harmon & LeValley Addition in Section 3, Township 91 N., Range 14, West of the 5th P.M.

Parcel 0903505006 – Cedar River Railroad right of way between the north line of the right of way of Bremer Avenue to the South line of the North one-half of Section 3, Township 91 N., Range 14, West of the 5th P.M.

Parcel 0903505008 – Cedar River Railroad right of way extending South from the North line of the NW¼ NE¼ of Section 3 across the SE¼ of Section 3, Township 91 N., Range 14, West of the 5th P.M. except the South 145 feet thereof.

Parcel 0910505004 - Cedar River Railroad right of way extending South between the centerline of 10th Avenue SW and the South line of the SW ¼ NE¼ of Section 10, Township 91 N., Range 14, West of the 5th P.M. except the North 135 feet thereof.

Parcel 0910505005 - Cedar River Railroad right of way extending South between the South line of the SW ¼ NE¼ of Section 10, Township 91 N., Range 14, West of the 5th P.M. and the North line of the SW¼ of the SE¼ of Section 10, Township 91 N., Range 14, West of the 5th P.M.

D. Property Removed from the "Amendment No. 3 Area" as defined in the TIF Ordinance (Ordinance No.638):

Parcel 0904226015 - City of Waverly Detention (Rugby Field) – EXEMPT A part of Lot Two (2), Willow Lawn Second Addition to Waverly, Iowa, described as beginning at a point on the Southerly line of said Lot Two (2), which point is 530.9 feet East of the Southwest corner of said Lot 2 [said point also being the Northeast corner of Lot Twelve (12) Willow Lawn Second Addition]; thence Northerly to a point on the North line of said Lot Two (2), which point is 530.9 feet East of the Northwest corner of said Lot 2; thence North 88º 57' East along the North line of said Lot 2 a distance of 473.38 feet; thence South 74°24' East along the Northeasterly line of said Lot 2 a distance of 258.50 feet; thence South 46°53' East along the Northeasterly line of said Lot 2 a distance of 260.40 feet; thence Southwesterly along a straight line to the Northwest corner of Lot One (1), Willow Lawn Second Addition; thence North 90º 00' West a distance of 60 feet; thence South 25 feet to the Northeast corner of Lot Eighteen (18), Willow Lawn Second Addition; thence West along the Southerly line of said Lot Two (2) a distance of 435.00 feet to the point of beginning

E. Property Removed from the "Amendment No. 4 Area" as defined in the TIF Ordinance (Ordinance No. 664):

Parcel 0901451029 - City of Waverly Cedar River Parkway ROW – EXEMPT - Right of way parcel in the Southeast part of Lot 9 in the East one-half of Section 1, Township 19 N, Range 14 West of the 5th P.M. as described in Acquisition Plat document #2018-0426 recorded in the Office of the Bremer County Recorder.

F. Property Removed from the "Amendment No. 8 Area" as defined in the TIF Ordinance (Ordinance No. 892):

Parcel 0911101018 - City of Waverly Cedar River Parkway ROW and Cemetery – EXEMPT - North fractional tract in the N½ of the NW¼ of Section 11, Township 91, Range 14, West of the 5th P.M. as described in Warranty deed #2000-3282 recorded in the Office of the Bremer County Recorder.

Parcel 0911101024 - City of Waverly 4th St. SW and Cedar River Parkway ROW – EXEMPT - North 275 feet of the West 264 feet of the NW¼ of the NW¼ of Section 11, Township 91, Range 14, West of the 5th P.M., except Hwy 218 ROW and except Parcel HH.

Parcel 0911200015 - City of Waverly Cedar River Parkway ROW and Detention – EXEMPT - That part of the NE¼ of the NE¼, in Section 11, Township 91, Range 14, W. of the 5th P.M., lying west of the low water mark on the East side or bank of the Cedar River, except the south 19 acres thereof.

G. Property Removed from the "Amendment No. 9 Area" as defined in the TIF Ordinance (Ordinance No. 931):

Parcel 0901451024 – City of Waverly ROW of Cedar River Parkway and E. Bremer Avenue – EXEMPT - City right of way in the S½ of the SE¼ of Section 1, Township 91 N, Range 14 W. of the 5th P.M., as described in Acquisition Plat document #2018-2044 recorded in the Office of the Bremer County Recorder.

Parcel 0901451027 – City of Waverly ROW of Cedar River Parkway – EXEMPT - City right of way parcel in Lot 7, Monaghan Business Park, as described in Acquisition Plat document #2018-0425 recorded in the Office of the Bremer County Recorder.

H. Property Removed from the "Amendment No. 4 Unified Area" as defined in the TIF Ordinance (Ordinance No. 1060):

Parcel 0910226056 – City of Waverly ROW – EXEMPT – City ROW of 13th Ave SW Tract A in Cedar Square Subdivision to Waverly, Iowa as shown on the Plat of Survey recorded March 9, 2023 as document #2023-0589 in the Office of the Bremer County Recorder.

Parcel 0910276026 – City of Waverly SW Detention – EXEMPT – Tract B of Cedar Square Subdivision to Waverly, Iowa as shown on the Plat of Survey recorded March 9, 2023 as document #2023-0589 in the Office of the Bremer County Recorder.

Section 2. That the base value for each subarea outlined above shall be reduced by the assessed value for the portion of the Removed Property in each subarea as shown on the assessment role as of the date for each respective subarea as set forth in Section 3 of Ordinance No. 1080.

Section 3. That all other portions of the Waverly Unified Urban Renewal Area included in the TIF Ordinance shall be and remain subject to all of the provisions of the TIF Ordinance; that the base value for the property remaining subject to the division of revenue shall remain unchanged by this Ordinance; and that except as amended herein, the TIF Ordinance shall remain in full force and effect.

Section 4. That nothing herein shall be interpreted as altering the boundaries or removing any property from the Waverly Unified Urban Renewal Area (for purposes of clarity, while the Removed Property is no longer subject to the division of revenue provided for in Iowa Code section 403.19, the Removed Property remains a part of the Waverly Unified Urban Renewal Area).

Section 5. That 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, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 18th day of December, 2023.

Ordinance 1139 was enacted to remove certain property from Ordinance 1080 and was adopted by City Council at a third and final reading February 19, 2024 and was published in the Waverly Newspapers on March 5, 2024.

ORDINANCE NO. 1139

AN ORDINANCE AMENDING ORDINANCE NOS. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 AND 1137 AND PROVIDING THAT GENERAL PROPERTY TAXES SHALL NO LONGER BE DIVIDED ON **CERTAIN PROPERTY** LOCATED WITHIN THE WAVERLY UNIFIED URBAN RENEWAL AREA, IN THE CITY OF WAVERLY, COUNTY OF BREMER, STATE OF IOWA (REMOVING NONTAXABLE PROPERTY FROM DIVISION OF REVENUE)

WHEREAS, the City Council of the City of Waverly, State of Iowa, has heretofore, in Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 and 1137 (collectively, the "TIF Ordinance") provided for the division of taxes within the Waverly Unified Urban Renewal Area ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City Council of the City of Waverly has determined that in order to fulfill the purposes, objectives and projects for the Urban Renewal Area, certain nontaxable portions of the Urban Renewal Area should be removed from the TIF Ordinance and no longer subject to the division of taxes under Section 403.19 of the Code of Iowa.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, STATE OF IOWA, THAT:

Section 1. That the following portions of the Waverly Unified Urban Renewal Area (collectively the "Removed Property") shall be removed from the application of the TIF Ordinance and shall no longer be subject to the division of taxes under Section 403.19 of the Code of Iowa described in said Ordinance:

A. Property Removed from the Amendment No. 1 Area to the Waverly Unified Urban Renewal Plan as defined in the TIF Ordinance (Ordinance No. 978):

Parcel 0902113002 – **Cross Point Church - EXEMPT** PARCEL Y of WAVERLY HISTORIC SCHOOL CONDOS.

Parcel 0902116010 – **Cross Point Church – EXEMPT** The North ½ of Lots 1, 2, 3, & 4 in Block 37, Harmon & LeValley Addition to Waverly, Iowa.

Parcel 0902180002 – City of Waverly Parking Lot – EXEMPT Lot Two (2), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon, and the vacated alley adjacent.

Parcel 0902180003 – City of Waverly Parking Lot – EXEMPT Lot Three (3), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon.

Parcel 0533300015 – City of Waverly Public Services Building EXEMPT Parcel D in the SW ¼ of Section 33, T92N, R14 West of the 5th P.M. as more particularly described in Doc. No. 20080020, Bremer County records.

Parcel 0902181007 – Waverly Historic Lofts, LLC Parcel Z in Block 12, Original Town of Waverly in SW1/4 of the NW1/4 of Sec 2, Twp 91 N, Rge 14, West of the 5th P.M., City of Waverly, Bremer County, Iowa, described in Plat of Survey, Document No. 20180577, recorded in the Office of the Recorder of Bremer County, Iowa.

Section 2. That the base value for each subarea outlined above shall be reduced by the assessed value for the portion of the Removed Property in each subarea as shown on the assessment role as of the date for each respective subarea as set forth in Section 3 of Ordinance No. 1137.

Section 3. That all other portions of the Waverly Unified Urban Renewal Area included in the TIF Ordinance shall be and remain subject to all of the provisions of the TIF Ordinance; that the base value for the property remaining subject to the division of revenue shall remain unchanged by this Ordinance; and that except as amended herein, the TIF Ordinance shall remain in full force and effect.

Section 4. That nothing herein shall be interpreted as altering the boundaries or removing any property from the Waverly Unified Urban Renewal Area (for purposes of clarity, while the Removed Property is no longer subject to the division of revenue provided

for in Iowa Code section 403.19, the Removed Property remains a part of the Waverly Unified Urban Renewal Area).

Section 5. That 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 or any

section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 19th day of February, 2024.

ORDINANCE NO. 1139-A

AN ORDINANCE AMENDING NUNC PRO TUNC ORDINANCE NO. 1139 WHICH AMENDED ORDINANCE NOS. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 AND 1137 AND PROVIDING THAT GENERAL PROPERTY TAXES SHALL NO LONGER BE DIVIDED ON **CERTAIN PROPERTY** LOCATED WITHIN THE WAVERLY UNIFIED URBAN RENEWAL AREA, IN THE CITY OF WAVERLY, COUNTY OF BREMER, STATE OF IOWA (**REMOVING NONTAXABLE PROPERTY FROM DIVISION OF REVENUE**)

WHEREAS, the City Council of the City of Waverly, State of Iowa, has heretofore, in Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 and 1137 (collectively, the "TIF Ordinance") provided for the division of taxes within the Waverly Unified Urban Renewal Area ("Area" or "Urban Renewal Area"), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, by Ordinance No. 1139 the City sought to remove certain nontaxable property from the division of taxes but such Ordinance erroneously included the following property in the list of property being removed from the division of taxes:

Parcel 0902181007 – Waverly Historic Lofts, LLC Parcel Z in Block 12, Original Town of Waverly in SW1/4 of the NW1/4 of Sec 2, Twp 91 N, Rge 14, West of the 5th P.M., City of Waverly, Bremer County, Iowa, described in Plat of Survey, Document No. 20180577, recorded in the Office of the Recorder of Bremer County, Iowa ("Lofts Property"); and

WHEREAS, the Lofts Property should not have been included in the list of Removed Property and it is the intent of the City that the Lofts Property shall continue to be subject to the division of taxes under the TIF Ordinance as if Ordinance No. 1139 had not identified the Lofts Property in the list of Removed Property; and

WHEREAS, the City is adopting this Ordinance No. 1139-A to correct and restate Ordinance No. 1139, nunc pro tunc; and

WHEREAS, the City Council of the City of Waverly has determined that in order to fulfill the purposes, objectives and projects for the Urban Renewal Area, certain nontaxable portions of the Urban Renewal Area should be removed from the TIF Ordinance and no longer subject to the division of taxes under Section 403.19 of the Code of Iowa.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAVERLY, STATE OF IOWA, THAT:

Section 1. That the following portions of the Waverly Unified Urban Renewal Area (collectively the "Removed Property") shall be removed from the application of the TIF Ordinance and shall no longer be subject to the division of taxes under Section 403.19 of the Code of Iowa described in said Ordinance:

A. Property Removed from the Amendment No. 1 to the Waverly Unified Urban Renewal Area as defined in the TIF Ordinance (Ordinance No. 978):

Parcel 0902113002 – **Cross Point Church - EXEMPT** PARCEL Y of WAVERLY HISTORIC SCHOOL CONDOS.

Parcel 0902116010 – **Cross Point Church – EXEMPT** The North ½ of Lots 1, 2, 3, & 4 in Block 37, Harmon & LeValley Addition to Waverly, Iowa.

Parcel 0902180002 – City of Waverly Parking Lot – EXEMPT Lot Two (2), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon, and the vacated alley adjacent.

Parcel 0902180003 – City of Waverly Parking Lot – EXEMPT Lot Three (3), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon.

Parcel 0533300015 – City of Waverly Public Services Building EXEMPT Parcel D in the SW ¼ of Section 33, T92N, R14 West of the 5th P.M. as more particularly described in Doc. No. 20080020, Bremer County records.

Section 2. That the base value for the subarea outlined above shall be reduced by the assessed value for the Removed Property as shown on the assessment role as of the date for the subarea set forth in Section 3 of Ordinance No. 1080 (January 1, 2013)

Section 3. That all other portions of the Waverly Unified Urban Renewal Area included in the TIF Ordinance shall be and remain subject to all of the provisions of the TIF Ordinance; that the base value for the property remaining subject to the division of revenue shall remain unchanged by this Ordinance; and that except as amended herein, the TIF Ordinance shall remain in full force and effect.

Section 4. That nothing herein shall be interpreted as altering the boundaries or removing any property from the Waverly Unified Urban Renewal Area (for purposes of clarity, while the Removed Property is no longer subject to the division of revenue provided for in Iowa Code section 403.19, the Removed Property remains a part of the Waverly Unified Urban Renewal Area).

Section 5. That 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 or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 4th day of November, 2024.

[LEGISLATIVE HISTORY OF ADOPTION OF URBAN RENEWAL PLANS AND AMENDMENTS AND CORRESPONDING ENACTMENT OF TIF ORDINANCES]

Original Economic Development Urban Renewal Plan was adopted by Council Resolution 461-86 on August 18, 1986. TIF Ordinance No. 569 enacted on August 25, 1986.

Amendment #1 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 88-08 on May 2, 1988. TIF Ordinance No. 585 was enacted on June 6, 1988.

Amendment #2 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 90-06 on February 5, 1990. TIF Ordinance No. 609 was enacted on April 2, 1990.

Amendment #3 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 91-63 on December 2, 1991. TIF Ordinance No. 638 was enacted on February 17, 1992.

Amendment #4 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 94-39 on July 18, 1994. TIF Ordinance No. 664 was enacted on September 19,

1994.

Amendment #5 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 99-140 on September 13, 1999. TIF Ordinance No. 733 was enacted on October 18, 1999.

Original Central Business District Urban Renewal Plan was adopted by Council Resolution 99-143 on December 6, 1999. TIF Ordinance No. 736 was enacted on January 3, 2000.

Amendment #5 - Correction to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 02-100 on October 7, 2002. TIF Ordinance No. 791 was enacted on November 4, 2002.

Amendment #6 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 05-144 on November 21, 2005. TIF Ordinance No. 853 was enacted on December 5, 2005.

Amendment #7 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 06-70 on September 11, 2006. TIF Ordinance No. 866 was enacted on October 2, 2006.

Amendment #8 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 07-113 on December 3, 2007. TIF Ordinance No. 892 was enacted on January 7, 2008.

Amendment #9 to the Original Economic Development Urban Renewal Plan was adopted by Council Resolution 09-159 on December 21, 2009. TIF Ordinance No. 931 was enacted on January 18, 2010.

Amendment #2 to the Original Central Business District Urban Renewal Plan was adopted by Council Resolution 09-158 on December 21, 2009. TIF Ordinance No. 932 was enacted on January 18, 2010.

The Waverly Unified Urban Renewal Plan was adopted by Council Resolution 14-49 on April 21, 2014 which combined the Original Economic Development Urban Renewal Plan and the Original Central Business District Urban Renewal Plan.

Amendment No. 1 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 14-49 on April 21, 2014. TIF Ordinance 978 was enacted on May 19, 2014.

Amendment No. 2 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 17-96 on August 7, 2017. TIF Ordinance 1025 was enacted on September 11, 2017.

Amendment No. 3 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 18-160 on November 19, 2018. TIF Ordinance 1053 was enacted on January 7, 2019.

Amendment No. 4 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 19-40 on March 18, 2019. TIF Ordinance 1060 was enacted on April 15, 2019.

Amendment No. 5 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 19-137 on September 9, 2019. TIF Ordinance 1066 was enacted on October 15, 2019.

Amendment No. 6 to the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 20-170 on November 16, 2020. TIF Ordinance 1080 was enacted on December 15, 2020.

The West Waverly Urban Renewal Plan was adopted by Council Resolution 20-171 on November 16, 2020. TIF Ordinance 1081 was enacted on December 15, 2020.

Ordinance No. 1137, Amending Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 736, 932, 978, 1025, 1053, 1060, 1066, and 1080 and providing that general property taxes shall no longer be divided on CERTAIN PROPERTY located within the Waverly Unified Urban Renewal Area, in the City of Waverly, County of Bremer, State of Iowa (Removing Nontaxable Property from Division of Revenue) was enacted on December 19, 2023.

Ordinance No. 1139, Amending Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 and 1137 and providing that general property taxes shall no longer be divided on CERTAIN PROPERTY located within the Waverly Unified Urban Renewal Area, in the City of Waverly, County of Bremer, State of Iowa (Removing Nontaxable Property from Division of Revenue) was enacted on February 19, 2024.

Ordinance No. 1139-A, Amending Nunc Pro Tunc Ordinance No. 1139 which amended Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, 978, 1025, 1053, 1060, 1066, 1080 and 1137 and providing that general property taxes shall no longer be divided on certain property located within the Waverly Unified Urban Renewal Area, in the City of Waverly, County of Bremer, State of Iowa (Removing Nontaxable Property from Division of Revenue) was enacted on November 12, 2024.

Chapter 98

DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN AN URBAN RENEWAL AREA

This Chapter was replaced by Chapter 97 when the Waverly Unified Urban Renewal Plan was adopted by Council Resolution 14-49 on April 21, 2014 which combined the Original Economic Development Urban Renewal Plan and the Original Central Business District Urban Renewal Plan.

An Ordinance providing for the imposition of a hotel and motel tax, pursuant to Chapter 422A of the Code of Iowa

Section 99.1 Definitions:

A. "Hotel" and "motel" mean any hotel, motel, inn, public lodging house, rooming house, manufactured or mobile home which is tangible personal property, or tourist court, or any place where sleeping accommodations are famished to transient guests for rent, whether with or without meals.

B. "Renting" and "rent" mean any kind of direct or indirect charge for any sleeping rooms, apartments or sleeping quarters or their use in a hotel or motel, as defined herein.

Section 99.2 Tax imposed.

A tax is hereby imposed upon the gross receipts from the renting of any sleeping rooms, apartments or sleeping quarters in any hotel or motel, as defined herein, within the City of Waverly, Iowa., at the rate shown in Section 3 hereof; provided that this tax shall not apply to the gross receipts from the renting of a sleeping room, apartment or sleeping quarters while rented by the same person for a period of more than thirty-one consecutive days;

Section 99.3 Tax Rate and Effective Date.

The tax established in Section 2 hereof shall be imposed at the rate of Seven percent (7%) of the gross receipts of such renting on January 1, 2004, and shall remain at such late until repealed or amended as provided by Chapter 422A of the Code of Iowa.

[Ordinance 820 passed and approved by the Council of the City of Waverly, Iowa on the 7th day of November, 2003]

CHAPTER 100

ZONING

Sections:

100.1	General Provisions.
100.2	Definitions.
100.3	Districts and Boundaries Established.
100.4	General Regulations.
100.5	A-1 Agricultural District.
100.6	R-1 Residential District.
100.6A	R-1A Residential District.
100.7	R-2 Residential District.
100.8	R-3 Multiple Family Residential District.
100.9	R-4 Multiple Family Residential -Transitional District
100.10	R-FBH Planned Factory Built Home District.
100.11	S-1 Shopping Center District.
100.12	C-1 Commercial District.
100.13	C-2 Commercial District.
100.13A	C-2A Commercial District.
100.14	C-3 Commercial (Central Business) District.
100.15	M-1 Light Industrial District.
100.16	M-2 Heavy Industrial District.
100.17	PD Planned Development District.
100.18	U-1 Environmentally Sensitive Protected District.
100.19	Off-Street Parking and Loading Zones.
100.20	Filling Stations, Public Garages, and Parking Lots.
100.21	Exceptions and Modifications.
100.22	Occupancy Permits.
100.23	Plat Specifications.
100.24	Amendments.
100.25	Violation and Penalties.
100.26	Sign Regulations
100.27	Home Occupations
100.28	Alternative Energy System Requirements

Section 100.1 General Provisions

SEC. 100.1.01 TITLE. This chapter shall be known and may be cited as the "Zoning Code" for the city.

SEC. 100.1.02 PURPOSE. The purpose of this chapter shall be to promote the public health, safety, morals, order, convenience, prosperity and general welfare; to conserve and protect the value of property throughout the city and to encourage the most appropriate use of land; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate services, including transportation, community protection and utility services.

SEC. 100.1.03 JURISDICTION. All property located within the boundaries of the city plus a two (2) mile area surrounding the boundaries of the city shall be subject to the provisions of this chapter.

SEC. 100.1.04 AMENDMENTS. Any amendment to this chapter shall be made pursuant to procedures established within this code.

SEC. 100.1.05 PENALTIES. Any person violating a provision of this chapter shall be fined not more than one hundred ($100) dollars or imprisoned for not more than thirty (30) days, for each offense. Each day that a violation is permitted to continue shall constitute a separate offense.

SEC. 100.1.06 INJUNCTION. Any facility, structure or improvement or any part of such facility, structure or improvement which has been constructed, erected or installed on property in violation of a provision in this chapter shall be vacated and removed at the owner's expense, unless the city, pursuant to procedures established in the building code, of this code, grants retroactive approval of the construction, erection or installation.

SEC. 100.1.07 MINIMUM REQUIREMENTS. All requirements established pursuant to this chapter shall be considered as minimum requirements which may be exceeded, provided that all other applicable requirements of the code have not been violated.

SEC. 100.1.08 SUMMARY. Except as otherwise provided in this chapter, the use of premises and structures in the city shall be in accordance with the minimum standards hereinafter established:

1. Height Limits. No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the zone in which the structure is located.

2. Use Limits. No use shall be established nor shall any structure be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations for the zone in which the building is located.

3. Yard Limits. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the yard regulations for the zone in which the building is located.

4. Parking Limits. No use shall be established or enlarged, reconstructed, or structurally altered except in conformity with the off-street parking regulations for the zone in which the use or structure is located.

5. Transfer Prohibited. The requirements for yards, parking spaces or lot areas established for a structure or use within a district described in this division, cannot be used to meet the requirements for yards, parking spaces or lot areas established for a structure or use within another district described in this chapter.

SEC. 100.1.09 WAIVER.

1. Authority. The city may waive any procedural requirement, including any provision of this chapter which requires that, before the city may rezone proposed property, a term or condition shall be included as a part of any plan or statement, provided that good cause exists to waive any such procedural requirement.

2. Affect. The granting of any waiver, pursuant to provisions of this chapter, shall not nullify the intent and purpose of any provision in this chapter. In no case shall any waiver constitute more than a minimum easing of the requirement to ensure the elimination of an unnecessary hardship on the owner or developer of the proposed property. No waiver shall be granted without good cause showing that the provision sought to be waived imposes such a hardship.

3. Procedure. The procedure governing the granting of any waiver described in this section shall be established in this code.

SEC. 100.1.10 VARIANCE.

1. Authority. If the city can be shown that strict compliance with any provision of this chapter, requiring that the proposed property be classified within a district, would result in extraordinary hardship to the owner or developer of such property, because of the property's topography or the existence of unusual conditions affecting the property, the city may vary, modify or waive the standard, provided that substantial justice should be done and the public interest is secured.

2. Affect. The granting of any variance, pursuant to the provisions of this chapter, shall not nullify the intent and purpose of any provision in this chapter. In no case shall any variance constitute more than a minimum easing of the requirement to ensure the elimination of an unjust and unnecessary hardship. Upon granting a variance, the city may impose any additional requirements or conditions that are deemed necessary to substantially secure the objectives of the varied requirement.

3. Procedure. The procedure governing the granting of any variance described in this section shall be established in this code.

SEC. 100.1.11 CONFLICTS. Any irreconcilable conflict between a minimum requirement established pursuant to this chapter and a minimum requirement or standard established pursuant to the subdivision code or the building code, shall be resolved by applying the most restrictive applicable standard or requirement.

Section 100.2 Definitions

SEC. 100.2.01 DEFINITIONS GENERALLY. For the purpose of this chapter certain terms and words are defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

SEC. 100.2.02 ABUT. The term "abut" or "abutting" shall mean being contiguous; having a boundary, wall or property line in common.

SEC. 100.2.03 ACCESS. The term "access" shall mean the place, means or way by which pedestrians or vehicles shall have ingress and egress to a property or parking area.

SEC. 100.2.04 ACCESSORY DWELLING UNIT (ADU). The term “accessory dwelling unit” or (“ADU”) shall mean an additional residential dwelling unit located on the same lot as a single-family residential that is either attached to or detached from the single-family residence. An ADU may not exceed the larger of one thousand (1,000) square feet or fifty percent (50%) of the size of the single-family residence. ADUs shall be developed in accordance with state law.

SEC. 100.2.05 ADDITION. The term “addition” shall mean an extension or increase in floor are or height of a structure, including any building.

SEC. 100.2.06 ADMINISTRATIVE OFFICER. "Administrative officer" means the Zoning Manager and/or Building Official, the individual designated by this chapter to administer the zoning code and responsible for the enforcement of the regulations imposed by said chapter. He may also be referred to as the zoning administrator.

SEC. 100.2.07 AGED. The term "aged" shall mean any person who is eligible because of age to receive old age insurance benefits under Title II of the Social Security Act.

SEC. 100.2.08 AGRICULTURE. The term "agriculture" shall mean the use of land for the following purposes:

1. Farming. All farming, feedlot, dairying and ranching operations, including the production of grain, the raising or breeding of animals, including livestock, fish or poultry, the stabling of animals, pasturage, animal husbandry, the horticulture, floriculture, or viticulture.

2. Accessory. All accessory uses and structures necessary to shelter and care for animals, including livestock, fish or poultry, or necessary to pack, treat or store meat or produce.

3. Natural Areas. To preserve natural areas, including the natural habitat of nondomesticated animals.

SEC. 100.2.09 AISLE. The term "aisle" shall mean any permanent dust free surface, including asphalt or concrete, which is connected directly to a parking or loading space and designated to permit ingress or egress of a vehicle to or from the parking or loading space, provided such surface is not a drive.

SEC. 100.2.10 ALLEY. The term "alley" shall mean an open public way, other than a street, which is designed for use as a secondary means of vehicular access to abutting property.

SEC. 100.2.11 ALTER. The term "alter" or "alteration" shall mean the moving of a structure, or any change, enlargement or remodeling of a structure, including its bearing walls, partitions, columns, beams, or girders.

SEC. 100.2.12 APARTMENT HOUSE. See "multifamily dwelling."

SEC. 100.2.13 ASSESSED VALUE. The term "assessed value" shall mean the value of real property, as established by the city, or by a higher authority upon appeal, which is the value upon which the next fiscal year's real estate taxes are based.

SEC. 100.2.14 BALCONY. The term "balcony" shall mean a covered or uncovered platform area projecting from the wall of a building, enclosed by a railing accessible from above grade, and not attached to the ground.

SEC. 100.2.15 BASEMENT.

1. Defined. The term "basement" shall mean a part of a building located partially underground, provided that not more than fifty (50) percent of its height exists below the average grade of land abutting such property.

2. Story. The basement of any building shall be considered a story for the purposes of this chapter.

SEC. 100.2.16 BLOCK. The term "block" shall mean an area of land which is entirely bounded by streets or by a combination of throughways, not including alleys or sidewalks, or by a combination of such throughways and a public place or designated physical barrier.

SEC. 100.2.17 BOARD OF ADJUSTMENT. The term "board of adjustment" shall mean an administrative hearing board created by Chapter 414 of the current Code of Iowa, as amended, which is authorized to hear appeals from decisions of the administrator and to grant variances.

SEC. 100.2.18 BOARDING HOUSE. The term "boarding house" shall mean a residential building where, in addition to lodging, meals are furnished to three or more tenants, provided such house does not regularly furnish meals to the public. No building defined pursuant to this chapter as a hotel shall be considered a boarding house.

SEC. 100.2.19 BUILD. The term "build" shall mean to construct, assemble, or structurally alter a structure, including a building.

SEC. 100.2.20 BUILDABLE AREA. The term "buildable area" shall mean the area remaining on a lot after the minimum open space requirement for yards has been met.

SEC. 100.2.21 BUILDING.

1. General. The term "building" shall mean any structure having a roof and designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

2. Building Area. See "ground area."

3. Building Coverage. The term "building coverage" shall mean the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

4. Building Height.

    a. General. The term "building height" shall mean the vertical distance, measured in a straight line through the center of the front of the measured building.

    b. Measurement. The line measuring such height shall be from the grade to the highest point where the beams are located in a building with a flat roof. Such line shall be from the grade to the average height of the roof where the building has a pitched roof.

    c. Exception. Where a building is located on a corner lot and more than one (1) grade exists on such lot, the measurement shall be made from the main entrance elevation.

    d. Signs. No sign, including any exterior roof sign, shall be used to calculate building height.

5. Accessory Building. The term "accessory building" shall mean any building which is an "accessory structure" as defined in this chapter.

6. Principal Building. The term "principal building" shall mean any building which is a "principal structure" as defined in this chapter.

SEC. 100.2.22 BUILDING PERMIT. Certification. The term "building permit" shall mean an official certification which constitutes the following:

1. Construction. Approval before any new construction, or alteration or addition to an existing structure may commence.

2. Evidence. Evidence that a design for a proposed improvement substantially complies with the provisions of this chapter and all other applicable provisions of this code, including the building code and subdivision code.

SEC. 100.2.23 BUSINESS. The term "business" or "business establishment" shall mean a "commercial establishment" as defined in this chapter.

SEC. 100.2.24 CARPORT.

1. General. The term "carport" shall mean a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides.

2. Principal Building. For purposes of this chapter a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements applicable to the principal building.

SEC. 100.2.25 CELLAR.

1. General. The term "cellar" shall mean a portion of a building located partially or wholly underground, provided that fifty (50) percent of its height shall exist below the average grade of land abutting such property.

2. Story. No cellar shall be considered a story for purposes of this chapter.

SEC. 100.2.26 CHILD CARE FACILITY. The term "child care facility" shall mean any state licensed or registered facility where children are temporarily left in the care of an attendant.

SEC. 100.2.27 CLINIC. The term "clinic" shall mean a building or part of a building occupied by any member of a health care profession, physicians, dentists, osteopaths, chiropractors, providing out-patient service.

SEC. 100.2.28 CLUB.

1. General. The term "club" shall mean property on which meetings are held by any association with access to such property restricted to the general public and controlled by its members, provided that the property is owned, leased or held in common for the benefit of its members.

2. Fraternities. For the purposes of this chapter, the definition of the term "club" does not include a fraternity or sorority house.

SEC. 100.2.29 COMMERCIAL ESTABLISHMENT. The term "commercial establishment" shall mean a business enterprise, located on any premises within the jurisdictional limits of the city, which provides any material, product or service for a charge, and which includes the following:

1. Business Service Establishments. The term "business service establishments shall mean an establishment primarily engaged in rendering services to business establishments on a fee or contract basis.

2. Recreational Service Establishment. The term "recreational service establishment" shall mean any commercial establishment which provides facilities, located principally in a building, which are used primarily for physical exercise or to test physical skills or endurance.

3. Personal Service Establishment. The term "personal service establishment" shall mean any commercial establishment primarily engaged in providing services generally involving the appearance of a person or the care of such person's apparel.

4. Professional Service Establishments. The term "professional service establishments" shall mean any commercial establishment primarily engaged in providing services which generally involve the advising and counseling of clients in confidence concerning personal, financial or medical affairs.

5. Retail Establishment. The term "retail establishment" shall mean any commercial establishment primarily engaged in selling merchandise for personal, business or household consumption, and rendering services incidental to the sale of goods, which must be identified by the following characteristics.

    a. Business. It is usually a place open to the public and is engaged in activities to attract the general public to buy available merchandise.

    b. Inventory. It builds an inventory of stock to sell, or buys or receives merchandise to sell to the public, or processes its products to sell to the public, provided such processing is incidental or subordinate to such selling.

    c. Retail. It is considered as retail in the trade to which it is classified.

6. The term “Row Commercial Unit” shall mean a maximum of two (2) units which are attached provided that each such unit is designed and erected as a commercial unit, that no such unit shares its lot with a similar designed and erected commercial unit and that each commercial unit is separated from another designed and erected commercial unit by a wall or walls.

SEC. 100.2.30 COMMISSION. The term "commission" shall mean the planning and zoning commission for the city.

SEC. 100.2.31 CONVERSION. The term "conversion" shall mean any change of one (1) principal use to another principal use.

SEC. 100.2.32 COURT. The term "court" shall mean an open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

SEC. 100.2.33 CURB LEVEL. The term "curb level" shall mean the main level of the curb or the established curb grade in front of any lot.

SEC. 100.2.34 DECK. The term "deck" shall mean a covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.

SEC. 100.2.35 DENSITY. The term "density" shall refer to the number of dwelling units per area of land, and usually expressed as dwelling units per acre.

SEC. 100.2.36 DEVELOPMENT. The term "development" shall mean any man-made change to improved or unimproved property, including building, mining, dredging, filling, grading, paving, excavating or drilling operations.

SEC. 100.2.37 DEVELOPMENTALLY DISABLED. The term "developmentally disabled" shall mean any person who has a disability which substantially impairs the person, is expected to be long continued and of indefinite duration, and is attributable but not limited to either of the following:

1. Neurological Condition. Any medically recognized neurological condition, including mental retardation, cerebral palsy, epilepsy, or autism.

2. Nervous Condition. Any medically recognized dyslexia resulting from an above disability; or a mental or nervous disorder which disability originates before such individual sustains age eighteen (18), and which constitutes a substantial impairment expected to be long continued and of indefinite duration.

SEC. 100.2.38 DISCONTINUANCE. The term "discontinuance" shall refer to the abandonment, cessation or termination of a nonconforming use.

SEC. 100.2.39 DISTRICT. The term "district" shall mean any division of the city within which certain uniform regulations and requirements governing the use of land and the construction of structures and the installation of improvements are uniform.

SEC. 100.2.40 DOWNZONING. The term "downzoning" shall mean any change in the zoning classification of property to a classification permitting development, which is more restrictive, or less intensive or dense.

SEC. 100.2.44 DRIVE. The term "drive" shall mean a permanent dust free surface, including asphalt and concrete, which is designed to provide vehicular access to a parking area.

SEC. 100.2.42 DRINKING ESTABLISHMENT. The term "drinking establishment" shall mean a commercial establishment, including any bar, beer hall, beer parlor, nightclub, or tavern, which serves alcoholic beverages for consumption on the premises of the establishment as a predominant part of its business.

SEC. 100.2.43 DWELLING.

1. General. The term "dwelling" shall mean any building which is wholly or partially used or intended to be used for residential occupancy.

2. Dwelling Unit. The term "dwelling unit" shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating meals.

3. Row Dwelling. The term "row dwelling" shall mean any one (1) of two (2) or more dwellings which are attached in a continuous row, provided that each such dwelling is designed and erected as a dwelling unit, that no such dwelling shares its lot with another dwelling (zero-lot line), and that each dwelling is separated from another similarly designed and erected dwelling by a wall or walls.

4. Efficiency Dwelling. The term "efficiency dwelling" shall mean a dwelling consisting of one principal room, in addition to a bathroom, hallway, and closets which serves as the occupant's living room, bedroom, and in some instances, the kitchen.

5. Single Family Dwelling. The term "single family dwelling" shall mean a building, including a manufactured home, containing one (1) dwelling unit.

6. Two Family Dwelling. The term "two family dwelling" shall mean a building, containing two (2) dwelling units.

7. Multifamily Dwelling. The term "multifamily dwelling" shall mean a building, containing three (3) or more dwelling units.

8. Triplex Dwelling. The term "triplex dwelling" shall mean a multifamily dwelling which contains three (3) dwelling units.

9. Four-Plex Dwelling. The term "four-plex dwelling" shall mean a multifamily dwelling which contains four (4) dwelling units.

10. High-Rise Multifamily Dwelling. The term "high-rise multifamily dwelling" shall mean a multifamily dwelling which exceeds sixty-five (65) feet in height.

11. Low-Rise Multifamily Dwelling. The term "low-rise multifamily dwelling" shall mean a multifamily dwelling which is thirty-five (35) feet or less in height.

12. Special Needs Dwelling. The term "special needs dwelling" shall mean a dwelling especially designed for use and occupancy of persons who are aged or who are handicapped within the meaning of federal law, including the Housing Act of 1959, as amended, the Development Disabilities Services and Facilities Construction Amendments of 1970, or the Social Security Act.

SEC. 100.2.44 EASEMENT. The term "easement" shall mean the right to use a specific area of real property for a limited specific use, including to allow access to another property or for the installation of utility facilities, granted by the owner of such property to any person, the government or the general public.

SEC. 100.2.45 ESSENTIAL SERVICES. The term "essential services" shall mean the installation, construction, erection, alteration or maintenance by any public utility or governmental agency of an underground or overhead gas, electrical, steam or water transmission or distribution facility, including poles, wires, mains, drains, sewers, pipes, conduits, cables, signals and hydrants, which is necessary to supply adequate service by any utility or government.

SEC. 100.2.46 EXPANSION. The term "expansion" shall mean an increase in the volume of a building, an increase in the area of land or building occupied by a use, or an increase in the number of occupants or dwelling units.

SEC. 100.2.47 FACTORY BUILT HOUSING PARK. The term "factory built housing park" shall mean a tract of land which has been planned and improved for the placement of manufactured homes, and factory built and modular homes on leased spaces.

SEC. 100.2.48 FAMILY. The term "family" shall mean one (1) person or two (2) persons related by blood, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two (2), but not more than two (2) persons not related by blood, marriage or adoption.

SEC. 100.2.49 FAMILY CARE HOME. The term "family care home" shall mean a community based residential home, which is licensed either as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 of the current Code of Iowa, as amended, that provides room and board, personal care, habilitation services, and supervision in a family environment by a resident family for not more than eight (8) developmentally disabled person. However a "family care home" is not an individual foster care family home licensed under Chapter 237 of the current Code of Iowa, as amended.

SEC. 100.2.50 FARM. The term "farm" shall mean an area of not less than ten (10) acres for which the principal use is the growing for sale of farm products such as vegetables, fruits, and grain and their storage on the land.

SEC. 100.2.51 FEEDLOT. The term "feedlot" shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

SEC. 100.2.52 FILL.

1. General. The term "fill" shall mean the placing, storing or dumping of any material on an area which results in changing the grade or increasing the natural surface elevation of the area.

2. Natural Fill. The term "natural fill" shall mean any material, including earth, clay, sand or rubble, which is not solid waste or a toxic or hazardous material, which is placed or dumped to alter the grade or change the elevation of any area.

SEC. 100.2.53 FINANCIAL INSTITUTION. The term "financial institution" shall mean any commercial establishment in the business of receiving, keeping, lending money, and exchanging funds by checks or notes, including banks, savings and loan institutions and credit unions.

SEC. 100.2.54 FIRST FLOOR. The term "first floor" shall mean the lowermost floor of a building having its floor to ceiling height at or above the grade.

SEC. 100.2.55 FLOOD PLAIN. See Chapter 102.

SEC. 100.2.56 FLOODWAY. The term "floodway" shall mean the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

SEC. 100.2.57 FLOOR AREA.

1. General.

   a. Total Area. The term "floor area" shall mean the total area of all floors of a building, or any part of such area, measured to the outside surface of exterior walls or the center line of walls to attached buildings or uses.

b. Underground. The term "floor area" shall include area of all or any floors in the basement or cellar, provided such basement or cellar has a principal or accessory use permitted in the zone in which the building is located.

c. Appurtenances. The term "floor area" shall not include area of any appurtenances, including garages, porches and balconies.

2. Floor Area Ratio. The term "floor area ratio" (FAR) shall mean the numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot.

SEC. 100.2.58 FOSTER CHILD CARE. The term "foster child care" shall mean the custody, care and education of not more than five (5) children within a residence by adults who are unrelated to such children by blood or adoption.

SEC. 100.2.59 FRATERNITY / SORORITY HOUSE. The term "fraternity house" or "sorority house" shall mean a building used as a residence by a chapter of a fraternal or sororal nonprofit organization recognized by Wartburg College. For purposes of this chapter, the term "rooming house" as defined in this chapter shall not be included within this definition.

SEC. 100.2.60 GASOLINE STATION. The term "gasoline station" shall mean any building or premises used for the dispensing or retail sale of motor vehicle fuel or oil. When the dispensing or sale is incidental to the operation of a commercial garage, the building and premises shall be classified as a "commercial garage" as defined in this chapter.

SEC. 100.2.61 GARAGE.

1. Commercial Garage. The term "commercial garage" shall mean any building or premises principally used for equipping, repairing, renting, selling or storing motor vehicles, and any building or premises from which automobile fuels and supplies may be sold which is not a "gasoline station" as defined in this chapter.

2. Private Garage. The term "private garage" shall mean an accessory building designed or used principally to shelter one (1) or more motor vehicles, and which is under the control and use of the occupants of the main building.

3. Government Garage. The term "government garage" shall mean any building or premises not described in the preceding subsections of this section and is principally used for equipping, refueling, servicing, repairing, selling, or storing motor vehicles owned by a government.

SEC. 100.2.62 GRADE.

1. General. The term "grade" shall mean the top surface elevation of lawns, walks, drives, or other improved surfaces after completion of construction or grading and landscaping.

2. Building Height. The term "building height" for purposes of determining the height of a building means the average level at the corners of the exterior walls of a building.

SEC. 100.2.63 GRAIN ELEVATOR. The term "grain elevator" shall mean a structure or group of related structures which is designed or used to receive, store and dry bulk grain.

SEC. 100.2.64 GROUND AREA. The term "ground area" shall mean the area of a building within its largest outside dimensions computed on a horizontal plane at the first floor level, exclusive of open porches, breezeways, terraces, and exterior stairways.

SEC. 100.2.65 GROUP CARE FACILITY. The term "group care facility" shall be described as the following:

1. Dwelling. A government licensed or approved facility which provides resident services in a dwelling to more than eight (8) individuals and not exceeding thirty (30) individuals, provided that resident staff members are not included in calculation.

2. Individuals. Individuals within the dwelling must be developmentally disabled, aged or undergoing rehabilitation; are in need of adult supervision; and are provided services in accordance with their individual needs.

3. Nursing Home. The term "group care facility" does not include any facility defined in this chapter as a nursing home.

SEC. 100.2.66 HEDGE. The term "hedge" shall mean a boundary formed of a row of closely planted shrubs or bushes.

SEC. 100.2.67 HOME OCCUPATION. Refer to Section 100.27 HOME OCCUPATIONS

SEC. 100.2.68 HOSPITAL. The term "hospital" shall mean an institution providing health care services for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

SEC. 100.2.69 HOTEL.

1. General. The term "hotel" shall mean a residential building licensed by the state and occupied and used principally as a place of lodging for guests. Hotels may or may not provide meals and there are usually no cooking facilities in guest rooms.

2. Hotel Apartment. The term "hotel apartment" shall mean a multifamily dwelling under resident supervision which maintains an interlobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, including any drugstore, barbershop, cosmetologist, cigar stand or newsstand, provided that such uses are located entirely within the building and no separate entrance from the street is visible from any sidewalk, and no sign or display is visible from outside of the building indicating the existence of such services.

SEC. 100.2.70 INSTITUTION. The term "institution" shall mean a building occupied by a nonprofit corporation or a nonprofit establishment dedicated for public use.

SEC. 100.2.71 JUNKYARD. See the term "salvage yard" as defined in this chapter.

SEC. 100.2.72 KENNEL.

1. General. The term "kennel" shall mean an establishment where small animals, including dogs and cats, are bred, raised, trained, groomed, and boarded for compensation, sale or other commercial purposes.

2. Evidence. Where four (4) or more dogs are kept on the same lot, conclusive evidence shall exist that such premises are being used as a kennel, provided that at least four (4) of the dogs are six (6) months old or older.

SEC. 100.2.73 LAUNDROMAT.

1. General. The term "laundromat" shall mean a commercial establishment providing facilities for customers to wash, dry or iron fabrics, including clothing, provided that no beer or alcohol shall be served on the premises.

2. Laundromat-Drinking Establishment. The term “laundromat-drinking establishment" shall mean any laundromat, as defined in this section, which serves beer or alcohol.

SEC. 100.2.74 LAWFUL USE. The term "lawful use" shall mean the use of a structure or property, provided that such use existed on the effective date of the ordinance codified in this chapter, and for which a legal zoning permit has been issued.

SEC. 100.2.75 LIVESTOCK. The term "livestock" shall mean any animal or fowl which is generally produced primarily for use as food or food products for human consumption, including cattle, sheep, swine and poultry.

SEC. 100.2.76 LODGING HOUSE. See the term "rooming house" as defined in this chapter.

SEC. 100.2.77 LOTS.

1. Lot. The term "lot" shall mean a section of property, including any plot, separate tract or parcel of land, having fixed boundaries and complying with all requirements specified for the zoning district within which such lot is located.

2. Lot Area. The term "lot area" shall mean the total horizontal area as measured above the surface of any lot and within the lot lines which represent the boundaries of such lot.

3. Lot Frontage. The term "lot frontage" shall mean that dimension of a lot or part of a lot abutting on a street, excluding the side of a corner lot.

4. Lot Width. The term "lot width" shall mean the width of a lot measured at the building line and at right angles to an imaginary line measuring the depth of such lot.

5. Lot Lines. The term "lot lines" shall mean the lines drawn on a plat of an area within which such lot is located, representing the boundaries of the lot, and shall include the following:

    a. Front Lot Line. The "front lot line" is the boundary line separating an interior lot from the street, or the boundary line separating a corner lot or double frontage lot from the street which is designated as the front street.

b. Rear Lot Line. The "rear lot line" is the boundary line opposite from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to the front lot line which is farthest from the front lot line and running between each side lot line and running entirely within the area of the lot.

c. Side Lot Line. The "side lot line" is any boundary line of a lot which is not a front or rear lot line.

6. Lot of Record. The term "lot of record" shall mean a lot which is a part of a legal subdivision of the city, provided that the plat of such lot is recorded in the office of the county recorder or a valid contract of sale for such lot was recorded in the office of the county recorder prior to 1971.

7. Corner Lot. The term "corner lot" shall mean any lot located at the intersection of two (2) streets.

8. Double Frontage Lot. The term "double frontage lot" shall mean any lot which is not a corner lot and which abuts two (2) streets.

9. Interior Lot. The term "interior lot" shall mean any lot other than a corner lot with only one (1) frontage street.

10. Reverse Frontage Lot. The term "reverse frontage lot" shall mean any double frontage lot which has vehicular access limited to the back of such lot, rather than having access to its front.

11. Through Lot. The term "through lot" shall mean an interior lot which abuts two (2) parallel or approximately parallel streets.

12. Outlot. The term "outlot" shall mean any area represented on a plat which describes any parcel of land, land remnant or tract of land which cannot be developed after the area has been subdivided.

SEC. 100.2.78 MANUFACTURED HOUSING.

1. Manufactured Home. The term "manufactured home" shall mean any dwelling, which qualifies pursuant to the following requirements:

   a. Permanency. Any factory built single-family dwelling, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

   b. Factory Built Home. A factory built home, as defined in this section, shall not be considered a manufactured home, unless it has been constructed pursuant to all applicable standards established in the Federal Manufactured Home Construction and Safety Standards and it has been converted to real property and is taxed as a site-built dwelling as is provided in Chapter 135D of the Iowa Code.

   c. Effect. For purposes of this chapter, any dwelling which is a manufactured home, as defined in this section, shall be considered the same as a single-family detached dwelling and shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures.

2. Factory Built Home. The term "factory built home" shall mean any dwelling which qualifies pursuant to the following requirements:

   a. Mobile Dwelling. A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used for year-round occupancy as a single-family dwelling and containing water supply, waste disposal, heating and electrical conveniences.

   b. Chassis. A mobile dwelling which is built on a chassis.

   c. Travel Trailer. A mobile dwelling which is not a travel trailer or other form of recreational vehicle.

   d. Conversion. A factory built home shall be construed to remain a factory built home, subject to all regulations and requirements applying to factory built homes as established within this section, whether or not appurtenances, including any hitch, wheel or axle, are removed, and regardless of the foundation provided for such home.

   e. Manufactured Home. A factory built home may be classified as a manufactured home, provided that the requirements established for a manufactured home have been satisfied.

3. Modular Home. The term "modular home" shall mean any single-family dwelling unit which is manufactured in whole or in components at a place other than the location where it is to be permanently located; which is assembled in whole or in components at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer motor home or factory built home.

SEC. 100.2.79 MEETING HALL. The term "meeting hall" shall mean a building which is used to provide space for lectures, social functions, exhibitions, entertainment, and instruction, and may provide ancillary space for customary uses, including kitchens, foyers, work and dress rooms and storage areas.

SEC. 100.2.80 FACTORY BUILT HOME PARK.

1. General. The term "factory built home park" shall mean any lot or part of such lot which is used or designed or intended to be used as a site for two (2) or more factory built homes.

2. Recreational Vehicles. Any lot which is used or designed or intended to be used as a site for (2) or more occupied recreational vehicles shall not be included within the definition of "factory built home park."

SEC. 100.2.81 MOTEL. The term "motel" or "motor hotel" shall mean any commercial enterprise having a building or group of buildings which must be licensed by the state to furnish temporary living accommodations to guests, provided that such accommodations may serve two (2) or more families.

SEC. 100.2.82 NONCONFORMING LOT. The term "nonconforming lot" shall mean a lot which does not conform to the provisions of this chapter regarding lot frontage, width or area for the zone in which it is located, provided that such lot is made nonconforming due to the adoption of this chapter or amendments to this chapter.

SEC. 100.2.83 NONCONFORMING STRUCTURE. The term "nonconforming structure" shall mean a structure or part of a structure which does not conform to the provisions of this chapter regarding height, yards or building coverage for the zone in which it is located, provided that such structure is made nonconforming due to the adoption of this chapter or amendments to this chapter.

SEC. 100.2.84 NONCONFORMING USE. The term "nonconforming use" shall mean any use which is not allowed within the zone in which it is located or any way in which property or a building is used, provided that such use is made nonconforming due to the adoption of this chapter or amendments to this chapter.

SEC. 100.2.85 NURSING HOME. The term "nursing home" shall mean a facility, including all buildings related to such facilities, which is operated by a proprietary or nonprofit corporation or association and licensed or regulated by a governmental entity for the accommodation of convalescents or other persons who are not in need of hospital care but who require skilled care or related health care services.

SEC. 100.2.86 OBSTRUCTION. The term "obstruction" shall mean any structure or matter, including a dam, wall, wharf, embankment, levee, dike, pile, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other matter, which is located in, along, across, or projecting into any floodway and which may impede, retard or change the direction of the flow of any water, or which may be carried downstream to the possible damage or detriment of life or property.

SEC. 100.2.87 OCCUPANCY PERMIT. "Occupancy permit" means a certificate issued by the building official to insure compliance with this chapter and the building and health ordinances of the city.

SEC. 100.2.88 OFFICE. The term "office" shall mean a place where services are provided to clients or to the public, or managerial, administrative, executive decisions are made by personnel in governmental or commercial establishments, rather than where goods, wares or merchandise are created, sold or exchanged.

SEC. 100.2.89 OFFICIAL PLANS.

1. Flood-Prone Area Map. The term "flood-prone area map" shall mean the official map of the city, filed with city records, which delineates the floodplain within the city.

2. Major Street Plan. The term "major street plan" shall mean the official plan, filed with city records, of all existing and proposed major streets, including the right-of-way for each such street.

3. Zoning Map. The term "zoning map" shall mean the official map of the city, filed with the city records, which delineates the zoning districts of the city pursuant to the requirements established in the chapter.

SEC. 100.2.90 OWNER. The term "owner" shall mean the person who holds free, simple or equitable title of the property in question.

SEC. 100.2.91 PARKING.

1. Parking Area. The term "parking area" shall mean an off-street facility intended or designed for the parking of more than four (4) automobiles, including parking spaces, aisles and tree islands.

2. Parking Space. The term "parking space" shall mean a permanent dust free surface, including asphalt or concrete, which is intended for off-street vehicular parking, with dimensions specified in departmental standards, provided that each space is least at one hundred eighty square feet.

SEC. 100.2.92 PATIO. The term "patio" shall mean a covered or uncovered surfaced outdoor living area at a grade abutting and accessible from a dwelling.

SEC. 100.2.93 PERMITTED USE. The term "permitted use" shall mean the principal use which is allowed in the zone in which it is classified, subject to the dimensional requirements and special requirements of such zone and the general requirements of this chapter.

SEC. 100.2.94 PLANTING AREA. The term "planting area" shall mean an unpaved pervious area designed, intended or used for the placement of greenery, including a tree, shrub or flower bed.

SEC. 100.2.95 PORCH. The term "porch" shall mean a covered entrance to a building consisting of a platform area with open sides, projecting from the wall of a building.

SEC. 100.2.96 PREMISES. The term "premises" shall mean that area of a lot or lots owned by a person or government who uses the property in a specific and intended manner which complies with all applicable zoning requirements for such property.

SEC. 100.2.97 PROJECTIONS. The term "projection" shall mean any part of a structure, including a building, which protrudes from the side or face of such structure.

SEC. 100.2.98 QUARRY. The term "quarry" shall mean a commercial enterprise in the business of excavating stone or slate as an industrial operation.

SEC. 100.2.99 RELIGIOUS INSTITUTION. The term "religious institution" shall mean an organization, including any church, rectory, meeting hall or school, having a religious purpose, which has been granted an exemption from federal tax obligations.

SEC. 100.2.100REMODEL. The term "remodel" shall mean any improvement made to a building which is not a structural alteration.

SEC. 100.2.101 REPAIR. See the term "remodel" as defined in this chapter.

SEC. 100.2.102 RESTAURANTS.

1. Restaurant. The term "restaurant" shall be defined pursuant to the following requirements:

    a. Business. A commercial establishment, including a cafe, cafeteria, coffee shop, delicatessen, lunchroom, tea room, dining room, bar, cocktail lounge or tavern, having as its principal business the preparation and dispensing of food.
    b. Dining Area.
        (1) Premises. A dining area where all food prepared and dispensed by such establishments must be provided within a building located on the premises, or part of a larger building in which the commercial establishment is located, and where customers may be seated while dining.

        (2) Area. The total seating area located within the dining area shall be established by departmental standards, provided that no such area shall be less than fifty (50) per cent of the total floor area of the business premises.

2. Drive-In Restaurant. The term "drive-in" restaurant shall be defined pursuant to the following requirements:

    a. Business. A commercial establishment having as its principal business the preparation and dispensing of food

b. Counter. An area for receiving orders and dispensing food to customers who are located inside or outside the building located on the premises or part of a larger building in which the commercial establishment is located.

c. Area. The total seating area of a dining area, if any, within a building located on the premises or part of a building in which the commercial establishment is located, shall be less than fifty (50) per cent of the floor area of the building premises.

SEC. 100.2.103 REZONE. The term "rezone" shall mean a change in the regulations governing how property and structures may be used, by a comprehensive revision or modification of the zoning text and map; a text change in zone requirements; or a change in the boundaries of zoning districts as shown on the zoning map.

SEC. 100.2.104 RIGHT-OF-WAY. The term "right-of-way" shall mean a strip of land occupied or intended to be occupied by a throughway, and shall include the area between the edge of the surfaced area of any such throughway and the boundary, represented by a property line, for any property abutting such throughway. Every right-of-way established under this chapter and described or shown on the final plat shall be separate and distinct from the lots and parcels adjoining such right-of-way and shall not be counted when measuring the area of any such lots and parcels.

SEC. 100.2.105 ROOF.

1. Roof. The term "roof", shall mean the top covering of a structure, including any canopy, constructed to shelter the area beneath such covering from the weather.

2. Roof Line. The term "roof line" shall mean the highest point of the coping of a flat roof; the deck line of a mansard roof; and the midpoint between the eaves and ridge of a saddle, hip, gable, gambrel or ogee roof.

SEC. 100.2.106 ROOMING ACCOMMODATIONS.

1. Roomer. The term "roomer" shall mean an occupant of a "rooming house" or "rooming unit" as defined in this section, who is not a member of the family of the rooming house operator. The term "roomer" shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.

2. Rooming House. The term "rooming house" shall mean any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to four (4) or more roomers.

3. Rooming Unit. The term "rooming unit" shall mean the following:

   a. Living Quarters. Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping.

   b. Common Rooms. A room where bath and toilet facilities are available for the exclusive use by the occupants or for communal use. A room where kitchen or dining accommodations are available for use by the occupants may also be provided within the rooming house.

SEC. 100.2.107 SALVAGE YARD. The term "salvage yard" shall mean a commercial establishment which principally contained area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or

packed, disassembled or assembled, stored or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, the storage of salvaged lumber and building materials and structural steel materials and equipment.

SEC. 100.2.108 SATELLITE RECEIVERS. The term "satellite receiver" shall refer to a facility, including a concave dish or antenna, anchored to a foundation or portable which is designed and intended to transmit, receive or intercept microwave, television or radio signals which are transmitted above the atmosphere.

SEC. 100.2.109 SCHOOLS.

1. Educational Facility. The term "educational facility" shall mean the following:

    a. Curriculum. A private or public institution which offers a broad curriculum of instruction, including language arts, mathematics, history, science and social sciences.

    b. Grades. All private or public institutions classified as elementary and secondary schools, which are established or certified by the state, below university grade, including denominational and sectarian, kindergartens and military academies.

    c. Colleges. All private or public institutions classified as colleges, universities, and professional schools granting academic degrees and requiring for admission at least a high school diploma or equivalent general academic training.

2. Vocational Facility. The term "vocational facility" shall mean any private institution which offers the following:

    a. Technical Training. Training for a technical occupation, including the following: data processing, computer programming, computer and peripheral equipment operation, keypunch operation; business machine operation, office procedures, secretarial and stenographic training; mechanical and electrical repair, welding, and mechanical and electrical drafting.

    b. Artistic Development. Classes or lessons to develop an artistic talent in any of the fine arts, including music, painting, sculpture, dance or drama, provided that no degree may be offered upon graduation from the institution or completion of any classes or lessons.
    c. Preparation. Classes or lessons which prepare applicants of an exam to pass such exam, including any civil service exam, or college or graduate school admissions exam.

SEC. 100.2.110 SETBACK LINES.

1. Setback Line. The term "setback line" shall mean that line represented on a plat for a subdivision from which the area of any lot's front, side and rear yards can be measured.

2. Building Setback Lines. The term "building setback lines" shall include any line drawn on a plat for a subdivision representing the minimum distance, when measured horizontally, which is required to exist between any structure on a lot and a line drawn on the plat representing a right-of-way which abuts such lot.

SEC. 100.2.111 SEWAGE SYSTEMS.

1. Public Sewer System. The term "public sewer system" or "public sewage disposal system" shall mean any type of sewage treatment and disposal facility approved by the Iowa Department of Public Health as properly designed to serve the city, and which is dedicated to the public, and operated and maintained by the city to provide central sanitary sewage service to all citizens connected to its facilities. A system which includes the use of a septic tank shall not be classified as a public sewage system.

2. Private Sewer System. The term "private sewer system" shall mean any type of sewage treatment or disposal facility, approved by the Iowa Department of Public Health, and designed and maintained to serve at least one (1) lot, provided that such system is not connected to a public sewage disposal system. A facility which maintains a septic tank shall be classified as a private sewer system.

SEC. 100.2.112 SIDEWALK. The term "sidewalk" shall mean any throughway which is paved and designed for exclusive pedestrian use.

SEC. 100.2.113 SIGN. Refer to Section 100.26 SIGN REGULATIONS

SEC. 100.2.114 SPECIAL EXCEPTION. The term "special exception" shall mean a principal or accessory use or modification in yards or parking and staking spaces which may be allowable pursuant to the requirements of this chapter and provided that facts and conditions exist as determined by the board of adjustment.

SEC. 100.2.115 STABLE.

1. Individual Stable.

    a. General. The term "individual stable" shall mean a structure used or intended to be used to shelter horses owned by the person owning the property on which such shelter is located.

    b. Prohibition. No shelter defined as an "individual stable" shall be operated as part of a commercial establishment, including any operation which auctions horses, regularly sells in the course of business, products associated with the care or use of horses, including any riding apparatus, or charges a fee for the care or shelter of any horse, riding instructions, rides on any horse, or for having a cart pulled by any horse.

2. Commercial Stable. The term "commercial stable" shall mean any stable which is used or intended to be used to shelter horses which is not an "individual stable," as defined in this section.

SEC. 100.2.116 STACKING SPACE.

1. General. The term "stacking space" shall mean a permanent dust free surface, including asphalt or concrete, which is designed to accommodate a motor vehicle waiting for entry to a place identified as a use for automobiles, provided that the location of such space shall not obstruct access to a parking space.

2. Dimensions. The dimensions of each place defined as a "stacking space" shall be specified in departmental standards, provided that no lot space shall be less than one hundred eighty square feet.

SEC. 100.2.117 STORIES.

1. General. The term "story" shall mean the part of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor above it, then the part of a building between the upper surface of the topmost floor and the ceiling or roof above it.

2. Yard Dimensions. For purposes of determining the required dimensions for any yard or court, for each building which has an average height exceeding twelve (12) feet, the stories of such building shall be calculated in the following manner:

    a. First Story. The first story of the building may measure fifteen (15) feet high.

    b. Remaining Stories. All building stories or all remaining stories after the first story shall each be considered to measure twelve (12) feet in height and any remaining part of the building height shall be considered a fractional story equaling that fraction of twelve (12) feet measured.

3. Half Story. The term "half story" shall mean that part of a story located under a sloping roof, including that part of a story under a gable, hip, or gambrel roof, and above the top floor level of the building, provided that at least (2) opposite exterior walls, are not more than four (4) feet in height measured from the top floor.

SEC. 100.2.118 STREETS.

1. General. The term "street" shall mean any throughway, having a right-of-way sixty (60) or more feet wide, which is designed to channel or circulate vehicular and pedestrian traffic. The term "street" may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.

2. Arterial Street. The term "arterial street" shall mean a street primarily designed to carry traffic from one end to another end of the city.

3. Collector Street. The term "collector street" shall mean any street which is not an arterial street and which carries traffic between sections of the community or which serves to connect rural areas and the community.

4. Half Street. The term "half street" shall mean a street which is less wide than the minimum requirements permitted for streets.
5. Dead-End Street. The term "dead-end street" shall mean any street having one end opened to vehicular traffic and the other end terminated without a cul-de-sac.

6. Local Street. The term "local street" shall mean any street which primarily serves to provide access to properties abutting such street.

7. Major Street. The term "major street" shall mean any arterial street or other street which is designed to carry traffic from one section to another section of the city.

8. Marginal Access Street. The term "marginal access street" shall mean any local street which is parallel to and adjacent to any primary street or highway.

9. Street Pavement Width. The term "street pavement width" shall mean the distance of any roadway, measured horizontally, from the back of one curb to the back of the curb on the opposite side of such

roadway.

10. Major Street Plan. The term "major street plan" shall mean a plan describing the most efficient use and design of streets, including recommendations for constructing new streets and modifying the use and design of existing streets. The major street plan shall be drafted and adopted by the city pursuant to the procedures established in this code.

SEC. 100.2.119 STRUCTURES.

1. General. The term "structure" shall mean anything, including any building, constructed or erected on the ground or which is attached to something located on the ground, including any building, radio and television tower, or permanent signs. The term "structure" shall not include vehicles, throughways or pavings.

2. Accessory Structure. The term "accessory structure" shall mean any secondary structure located on the same lot as which a principal structure is located, provided that such secondary structure complies with the following requirements:

    a. Subordinate. It must be subordinate to a principal structure in area and the purpose for which the structures is used.

    b. Contribution. It must contribute to the comfort, convenience or necessity of occupants of the principal building.

    c. Location. It shall be located on the same lot as is the principal structure.

3. Principal Structure. The term "principal structure" shall mean the structure which contains the principal use.

SEC. 100.2.120 SUBSTANDARD LOT. See the term "nonconforming lot" as defined in this chapter.

SEC. 100.2.121 SUBSTANTIAL IMPROVEMENT.

1. General. The term "substantial improvement" shall mean any repair, reconstruction, or improvement of a structure, including any building, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either of the following:
    a. Starting Date. Prior to the date that the improvement or repair was started.

    b. Damage Date. Prior to the date that the damage was done, provided that the structure was being restored.

2. Starting Date. For purposes of this section, the starting date of a substantial improvement shall be deemed to occur when the first alteration of any wall, ceiling, floor or other integral part of a structure commences, whether or not such alteration affects the external dimensions of the structure.

3. Exception. The term "improvement" shall not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historical Places or a state inventory of historic places.

SEC. 100.2.122 SUBDIVISION. See Chapter 103.

SEC. 100.2.123 TOWNHOUSE.

1. Complex. The term "townhouse complex" shall mean a complex containing not less than three (3) nor more than six (6) abutting single-family dwellings with dwelling located on a separate lot.

2. Unit. The term "townhouse unit" shall mean each principal dwelling located on a separate lot within the townhouse complex.

SEC. 100.2.124 TRAILER PARK. See the term "factory built home park".

SEC. 100.2.125 TRANSIENT HOUSING. The term "transient housing" shall mean a structure owned and operated by a nonprofit organization, as defined by Internal Revenue Code, providing a temporary residence, for a period of not more than ten (10) days, for persons in need of emergency shelter and who are temporarily unable to pay for housing.

SEC. 100.2.126 TRAVEL TRAILER. The term "travel trailer" shall mean a recreational vehicle which shall be designed as a mobile structure built on a chassis, designed to be used as a temporary dwelling for travel and recreation, provided that such vehicle shall have a width of no more than eight (8) feet.

SEC. 100.2.127 TREE. The term "tree" shall mean a live self-supporting woody plant with a single self-supporting trunk or multiple self-supporting trunks.

SEC. 100.2.128 TRUCK TERMINAL.

1. Storage. The term "truck terminal" shall mean a commercial establishment in the business of storing, handling and dispatching freight from major truck carriers.

2. Repair. A "truck terminal" as defined in this section may operate facilities for the storage and repair of trucks and trailers used by major truck carriers to transport freight.

SEC. 100.2.129 USE.

1. General. The term "use" shall mean any purpose for which land, structures, or a part of any land or structure is designed, occupied and maintained.

2. Accessory Use. The term "accessory use" shall mean any use which is characterized by the following:

    a. Subordinate. It is subordinate to and serves a principal use, with its purpose and the extent of its purpose subordinate to a principal use.

    b. Contribution. It contributes to the comfort, convenience, profitability, or necessity of persons relying on or owning the principal use.

    c. Location. It shall be located only on the same lot as or across a street, alley or railroad right-of-way from the principal use, unless the use constitutes a space defined as off-street parking.

3. Permitted Use. The term "permitted use" shall mean a principal use which is allowed in the zone in which it is classified, provided that such use complies with the dimensional requirements and special requirements, if any, described for the zoning district in which the use is located.

4. Principal Use. The term "principal use" shall mean the primary purpose for designing, occupying, operating and maintaining any property or structure located on a premises.

5. Provisional Use. The term "provisional use" shall mean any principal use which is allowed in the zone in which it is classified, provided that such use complies with the specific requirements mentioned with the use and all other dimensional requirements and special requirements, if any, described for the zoning district in which the use is located.

SEC. 100.2.130 VACATION. The term "vacation" shall mean the process by which the city discontinues the use of a street, alley or easement as a public way.

SEC. 100.2.131 VARIANCE. The term "variance" shall mean the legal mechanism of granting a property owner relief by relaxing a certain requirement of this division to ensure substantial justice is done, provided that special conditions exist which may result in unnecessary hardship to such owner if the provision is enforced and the community interest is not jeopardized.

SEC. 100.2.132 VEHICLE. The term "vehicle" shall mean every device in, upon which or by which any person or property is or may be transported or drawn upon a roadway.

SEC. 100.2.133 YARDS.

1. General.

    a. Open Space. The term "yard" shall mean a required open space at grade and unoccupied and unobstructed by any structure or part of a structure, other than a projection, including any projection from uncovered steps, an uncovered balcony or porch, or specific minor uses or structures allowed in such area according to the provisions of this chapter.

    b. Measurement. For the purpose of determining the width of a side yard, or depth of a front yard or rear yard, the minimum horizontal distance shall be used measuring, by straight line, the distance between the lot line and the place where the principal structure is located on the lot.

2. Yard Lines.

    a. Front Yard Line. The term "front yard line" shall mean an imaginary line extending from one side lot line to another side lot line, parallel to the street abutting the lot, and located as far back from the street as possible to create an area in front of such line which equals the minimum area required for a front yard in the zoning district in which the lot is located.

    b. Rear Yard Line. The term "rear yard line" shall mean an imaginary line parallel to the rear lot line and located as far forward from such lot line as possible to create an area in front of the lot line which equals the minimum area required for a rear yard in the zoning district in which the lot is located.

c. Side Yard Line. The term "side yard line" shall mean an imaginary line parallel to the side lot line and located as far from such lot line as possible to create an area in to the side of the lot line which equals the minimum area required for a side yard in the zoning district in which the lot is located.

3. Front Yard. The term "front yard" shall mean the required area across a lot as measured between the front yard line and the street.

4. Rear Yard. The term "rear yard" shall mean the required area as measured from one side lot line to another side lot line, and as measured between the rear yard line and the rear lot line.

5. Side Yard. The term "side yard" shall mean the required area as measured from the front yard line to the rear yard line, and as measured for each side of the lot, from the side yard line to the side lot line.

SEC. 100.2.134 ZONING.

1. Zoning District. The term "zoning district" shall mean that part of the jurisdiction of the city delineated on the zoning map in which requirements and development standards for the use of property and structures shall be prescribed.

2. Zoning Map. The term "zoning map" shall mean the city map which delineates the boundaries of the zoning districts which, along with this chapter, and resolutions adopted pursuant to this chapter, comprises the zoning law of the city.

3. Downzoning. The term "downzoning" shall mean a change in the zoning classification of property to a classification which is more restrictive, or which allows development which is less intensive or dense.

4. Upzoning. The term "upzoning" shall mean a change in the zoning classification of property to a classification which is less restrictive, or which allows development which is more intensive or dense.

4. Zoning Permit. The term "zoning permit" means a permit issued by the zoning administrator authorizing the use of land in the manner and for the purpose specified in the application.

(Ord. 1170 07-15-25)

Section 100.3 Districts and Boundaries Established

SEC. 100.3.01 DISTRICTS DESIGNATED. In order to classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the city is divided into sixteen classes of districts. The use, height, and area regulations are uniform in each class of district, and said districts shall be known as:

A-1	Agricultural
R-1	Residential (Single Unit Detached)
R-1A	Residential (Single Unit Detached- Two Unit Attached)
R-2	Residential (Small Lot and Duplex)
R-3	Multiple Family Residential (Two to Four Units)
R-4	Multiple Family Residential (Apartments- Five Plus Units)
R-FBH	Factory Built Home

S-1	Shopping Center
C-1	Commercial (Neighborhood)
C-2	Commercial (Large)
C-2A	Commercial (Limited Depth)
C-3	Commercial (Central Business)
M-1	Light Industrial
M-2	Heavy Industrial
PD	Planned Development
U-1	Environmentally Sensitive Protected

(Ord. 1026 10-10-17)

SEC. 100.3.02 DISTRICT BOUNDARIES.

1. The boundaries of these districts are indicated upon the zoning map of the city, which map is made a part of this chapter by reference. The zoning map of the city and all the notations, references, and other matters shown thereon shall be as much a part of this chapter as if the notations, references, and other matters set forth by said map were all fully described herein. The zoning map is on file in the office of the city clerk at the city hall of the City of Waverly.

2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map made a part of this chapter by reference, the following rules apply:

    a. The district boundaries are either street lines or alley lines unless otherwise shown; and where the districts, designated on the map made a part of this chapter are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district.
    b. In unsubdivided property, the district boundary lines on the map made a part of this chapter shall be determined by the use of the scale appearing on the map.

SEC. 100.3.03 FUTURE ANNEXATION. All territory which may be annexed to the city after the effective date of the ordinance codified in this chapter shall automatically be classed as lying in the A-1 Agricultural District until such classification shall have been changed by an amendment to the zoning ordinance as provided by law.

Section 100.4 General Regulations – (Amended by Ordinance 1120, Published 03/14/2023)

SEC. 100.4.01 CONFORMANCE REQUIRED. Except as otherwise specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter or the district in which the building or land is located.

SEC. 100.4.02 CONTINUING EXISTING USES PERMITTED. The use of a building existing at the time of the enactment of the ordinance codified in this chapter may be continued even though such use may not conform with the regulations of this chapter or the district in which it is located. Any use in existence at the adoption thereof which was not authorized as a nonconforming use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this chapter or amendments thereto.

SEC. 100.4.03 NONCONFORMING USES - ENLARGEMENT, RECONSTRUCTION PROHIBITED - EXCEPTION. No existing building or premises devoted to a use not permitted by this chapter in the district which such building or premises is located, except when required by law, shall be enlarged, extended,

reconstructed, substituted, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

1. Substitution. If no structural alternations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed it shall not thereafter be changed to a less restricted use.

2. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

3. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than sixty percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if there is less than sixty percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it be initiated within six months of such happening, and be built of like or similar materials.

4. Existing Residential Dwelling Exception. Any nonconforming existing residential dwelling within the A-1, R-2, R-3, R-4, C-1, C-2, C-2A, C-3 or M-1 zoning districts shall be exempt from the restrictions listed within said section. Structures shall be allowed to be reconstructed, substituted, enlarged, extended or structurally altered and shall be required to meet the setbacks of their respective residential zoning district as shown on the original plat, including, if applicable, lots of record. Ordinance 1037 5/29/18

SEC. 100.4.04 NONCONFORMING USES OR BUILDINGS IN OTHER THAN A, R, OR U DISTRICTS.

1. Structural Alterations and Enlargements. Any building in districts other than an A, R, or U district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage and yard and height requirements of the district in which situated, provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the ordinance codified in this chapter. In the event of such structural alteration or enlargement of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of the ordinance codified in this chapter, other provisions of this chapter notwithstanding.

2. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

3. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than sixty percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening, but if there is less than sixty percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it be started within six months of such happening, and be built of like or similar materials.

SEC. 100.4.05 STREET FRONTAGE REQUIREMENTS - RESIDENCES. Except as permitted in the streets and sidewalks chapter, within this code, no lot shall contain any building used in whole or in part for residence

purposes unless such lot abuts for at least forty feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty feet wide to a street, and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

SEC. 100.4.06 ACCESSORY STRUCTURES AND BREEZEWAY REQUIREMENTS. The following regulations shall apply to single or two family dwellings regardless of zoning district.

1. Accessory Structures.

    a. Except as allowed by Section 100.4.06 (f), no accessory structure shall be erected in a front yard.

    b. Accessory structures closer than ten (10) feet to the principal structure shall have the side and rear yard setbacks required for the primary structure.

    c. An accessory structure more than ten (10) feet from the principal structure shall have a minimum five (5) foot setback from side and rear lot lines.

    d. Area Limitations.

        (1) For lots up to 8,700 square feet, the total area for accessory structures shall not occupy more than 720 square feet and shall not exceed 30% of the rear yard.

        (2) For lots from 8,700 square feet to 13,333 square feet, no one accessory structure shall occupy more than 720 square feet and the total area occupied by accessory buildings shall not exceed 800 square feet.

        (3) For lots from 13,333 square feet to one acre, the total area occupied by accessory structures shall not exceed 1000 square feet.
        (4) For lots larger than one acre, the total area occupied by accessory structures shall not exceed 2000 square feet.

    e. The maximum height of an accessory structure shall not exceed 18 feet with a maximum average height of 15 feet or shall not exceed the height of the principal structure, whichever is less. The height shall be measured from the first-floor elevation of the primary structure and from the front entrance elevation for a split foyer building.

    f. Accessory structures shall not be erected in an easement.

2. Breezeway Requirements. A breezeway is hereby defined as a covered walkway attaching an accessory building to a main structure. A breezeway will be allowed under the following conditions:

    a. The accessory structure meets the rear and side yard requirements of the primary structure.

    b. The separation between a principal structure and an accessory structure shall be ten (10) feet or less.

    c. A breezeway shall not exceed eight (8) feet in width and ten (10) feet in length and shall not exceed the height requirements set out for accessory structures.

d. Frost footings will be required if a breezeway is more than forty (40) square feet in size.

e. The breezeway area shall be included as part of the accessory structure to which it is attached for purposes of calculating the maximum square footage limitation for that structure and for all accessory structures.

3. Swimming Pools.

Swimming pools will be governed by the regulations of accessory structures as set forth in Section 100.4.06. However, swimming pools shall not be counted towards the accessory structure area limitations as defined in Section 100.4.06(d). Any decking, not attached to the primary structure, around the pool will count against the accessory structure area limitations.

(Repealed and Replaced by Ordinance 1167 _ Published 05/27/2025

SEC. 100.4.07 CORNER LOTS - SIDE YARD REQUIREMENTS.

1. For corner lots platted after the effective date of the ordinance codified in this chapter, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.

2. On corner lots platted and of record at the time of the effective date of the ordinance codified in this chapter, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty percent of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street, and of record or as shown by existing contract of purchase at the time of the effective date of the ordinance codified in this chapter, to be less than twenty-eight feet nor to prohibit the erection of an accessory building.

SEC. 100.4.08 CORNER LOTS FRONTAGE REQUIREMENTS. On corner lots, frontage may be considered on either street; provided, that if front and rear yards are parallel to the lot line having the longer dimension, then setbacks along both streets shall conform to the front yard requirement of the district in which it is located.

SEC. 100.4.09 R DISTRICT FRONT YARD REQUIREMENTS. In any R district there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty percent or more of the frontage within two hundred feet of either side lot line are developed with buildings at a different setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall not be counted. The required setback as computed herein need not exceed fifty feet in any case, nor be less than twenty feet.

SEC. 100.4.10 REDUCTION PROHIBITED. No lot shall be reduced in area so as to make any yard of any other open space less than the minimum required by this chapter. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space required under this chapter for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this chapter.

SEC. 100.4.11 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision on record in the office of the county recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

SEC. 100.4.12 PERMITS ISSUED PRIOR TO EFFECTIVE DATE - CHANGES NOT REQUIRED. Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any building or part thereof for which approvals and required building permits have been granted before the enactment of the ordinance codified in this chapter, the construction of which in conformance with such plans shall have been started prior to the effective date of the ordinance codified in this chapter and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

100.4.13 Visual Barrier Standards

SEC. 100.4.13.1 Purpose: The City of Waverly recognizes the aesthetic and economic value of visual barriers between low density residential and high-density and non-residential land uses, and therefore requires minimum standards to:

a. Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
b. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
c. Unify development, and enhance and define land uses.

SEC. 100.4.13.2 When Screening Required. Screening is required between adjacent zoning districts when one or more of the following conditions in the more dense or non-residential zoning district is directly visible from and faces toward the boundary of the low density residential zoning district.

a. Non-Residential Uses Abutting Residential Uses. Where any business, industrial, institutional, essential service, utility, or public use structure abuts property zoned or developed for residential use, said building/facility shall provide screening along the boundary of the residential property. Screening shall not be required on that side of a business, industry, or institutional building considered to be the architectural front (as determined by the code enforcement officer).
b. Multifamily Residential Uses Abutting Single Family Residential Uses. Where multifamily dwelling unit development is to be located or altered to include items from this section, said use shall be screened when 66 feet or less from property lines zoned or developed as single family residential use.
c. Outdoor storage areas or storage tanks, unless otherwise screened.
d. Loading docks, refuse collection points, and other service areas.
e. Major machinery or areas housing a manufacturing process.
f. Major on-site traffic circulation areas or truck and/or trailer parking.
g. Sources of glare, noise, or other environmental effects.

SEC. 100.4.13.3 Landscape/Screening Plan Required. In all instances where screening is required, a comprehensive plan shall be submitted at the time of building permit submittal and said plan shall identify all proposed screening in both plan and sectional view.

SEC. 100.4.13.4 Type of Screening Required. All screening specifically required by this section shall consist of either a fence, a greenbelt planting strip, or berming and a planting strip as provided for below:

a. Fencing. A screening fence shall be constructed of masonry, brick or wood or similar materials to achieve said screening purpose. Such fence shall provide a solid screening effect and shall be a minimum of six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the code enforcement officer.
    1. Fencing may be used to screen residential properties across a right-of-way 66 feet or less. Said fencing shall be no taller than three feet in height and not located within a sight triangle as defined in the Waverly City Code.
b. Greenbelt planting strip. A planting strip shall consist of any combination of coniferous trees and deciduous trees and shall be of sufficient width and density to provide an effective visual screen at the time of planting at mature height.
    1. The width of the greenbelt planting strip shall be a minimum of 10 feet in width from the property line affected.
    2. The planting strip shall be designed to provide visual screening to achieve 75% non-transparency year round and to a minimum height of 6 feet at maturity. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection unless otherwise established by the code enforcement officer.
    3. All greenbelt strips and buffer yards must be seeded or sodded or treated with a decorative mulch or stone except in areas of steep slopes where natural vegetation is acceptable. The 10 foot buffer strip shall be effectively mowed and maintained so that the plant material has sufficient means for continued survival. If plants utilized for visual obstruction die, they must be replaced in accordance with maintenance of landscaping guidelines in this code.
c. Planting Strip and Berming. Earth mounding or berms may be used, with a maximum slope of two to one, in combination with deciduous plantings or coniferous plantings.
    1. Berming shall not be used to achieve more than three (3) feet of the required screen and the planting and berming combination shall achieve a total height of at least six (6) feet in height at the time of installation.
    2. Plantings, if desired on top of or in between berms, shall be planted at a height of at least three (3) feet in height to achieve a continuous visual barrier of at least six (6) feet in height, including the berm height, when plantings mature.
    3. The planting strip shall be designed to provide visual screening to achieve 75% non-transparency year round.
    4. The design of berms shall include provisions that demonstrate said berms will avoid changes with drainage conditions onto adjacent properties.
d. Maintenance of Landscaping. Upon installation of any plant materials used for screening, the owner of the property shall take appropriate actions to ensure their continued health and maintenance and effective visual barrier is maintained. Required landscaping that is damaged shall be replaced so as to perform the intended screening requirements within 9 months of receiving notice to replace from the City.

SEC. 100.4.13.5 Exceptions. A development may continue to comply with the screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions. In addition, the following general conditions shall also be exempted:

a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss when reconstructed in the same configuration.

b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking spaces, traffic circulation or other site improvements.
c. Additions or enlargements of existing parking lot surface areas or structures which increase impervious coverage area by less than 25 percent. Where such additions or enlargements are 25 percent or greater, these provisions shall apply only to that portion where the new development occurs adjacent to or across the street from residential zoning.
d. Existing agricultural land uses which existed prior to the establishment of this ordinance.

(Established by Ord. 992 04/14/15)

SEC. 100.4.14 Conversion To Condominium Or Multiple Family Housing Cooperative.

1. The conversion of any residential building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building, notwithstanding anything in the building codes to the contrary, and shall conform to the International Building Code.

2. No person shall file or record a declaration in the office of the county recorder to convert an existing structure located within the city to a horizontal property regime unless a certificate of occupancy for compliance with the current building codes has been issued by the building official

3. No person shall file or record an instrument in the office of the county recorder conveying an interest in real estate located in the city to a multiple housing cooperative unless a certificate of occupancy for compliance with the current building codes has been issued by the building official.

4. At least 60 days before being filed or recorded in the office of the county recorder, the applicant shall file a copy of such declaration or such instrument, together with the following documents with the permit and development administrator, and shall also pay a conversion fee in the amount set in the schedule of fees adopted by the city council by resolution:

   a. Two copies of an as-built plan for the entire structure.

   b. A building code analysis prepared by a licensed architect or professional engineer demonstrating that the structure conforms with the current building codes or can be brought into conformance with the current building codes by planned improvements to be made to the structure.

   c. Two copies of construction plans for planned improvements to be made to the structure to bring the structure into conformance with the current building codes.

5. Upon receipt of the documents and the conversion fee as provided above, the permit and development administrator or the administrator's designee shall review the building code analysis and conduct such inspections of the structure as may be deemed appropriate by the administrator to determine whether or not the structure conforms with the requirements of paragraph (1) above. If the permit and development center administrator or the administrator's designee determines that the structure has been shown to be in substantial compliance with the requirements of paragraph (1) above, the administrator shall cause a certificate of occupancy to be issued for the use of the structure as a horizontal property regime or a multiple housing cooperative. If the structure has not been shown to be in substantial compliance with the requirements of paragraph (1) above, the administrator shall give written notice to the applicant of any violations of the applicable code requirements discovered to exist in the building.

(Established by Ord. 1046 06/26/18)

Section 100.5 A-1 Agricultural District

SEC. 100.5.01 PURPOSE. The purpose of this zoning district is to provide for areas of managed growth in which agricultural and other non-urban uses of property may continue and/or for the preservation of farm ground, until such time as the city is able to provide municipal services and urban development can take place. Before installation of facilities providing municipal services, the city must and the property owner may initiate rezoning of property to uses consistent with the comprehensive plan. A-1 designations on the zoning map shall be reevaluated with each revision of the comprehensive plan.

SEC. 100.5.02 USES.

1. Permitted Uses. The following shall be subject to all the requirements of permitted uses.
   a. Agricultural. All uses and structures identified with agriculture, except for feedlot operations.

2. Provisional Uses. The following uses and structures identified with such uses shall be subject to all the requirements of provisional uses:
   a. Single Family Dwellings. Any single family dwelling, provided the following:
      (1) Dimensions. The dimensional requirements for such dwelling must comply with all the dimensional requirements for a dwelling located in a R-1 district.
      (2) Distance. No such dwelling shall be constructed within one fourth (1/4) mile from another single family dwelling which is not a farm dwelling.
   b. Farm Dwellings. Any farm dwelling, provided that the dimensional requirements for such dwelling comply with all the dimensional requirements for a dwelling located in an R district. A maximum of two (2) roomers may reside in each farm dwelling.
   c. Gardening Establishments. Any gardening establishment, provided that no dwelling shall be located on the premises unless such premises has an area of three (3) or more acres.
   d. Commercial Grain Elevators. Any commercial grain elevator with usual accessory structures, provided that such elevator is located not closer than five hundred (500) feet from any R district boundary.
   e. Veterinary Establishments. Any veterinary establishment, provided that such establishment complies with all general requirements specified for veterinary establishments.
   f. Forest and Forestry.

3. Special Provisional Uses. The following uses shall be subject to the requirements of special provisional uses. The requirements and additional uses can be found in Section 100.21.09.

(amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

   a. Park Areas. Any park area which complies with all general requirements specified for park areas.
   (amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)
   b. Golf Courses. Any park area which complies with all general requirements specified for golf courses.
   (amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)
   c. Public Facilities. Any facility dedicated to public use.

(amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)

   d. Feedlots. Any feedlot which is not a confinement feeding operation, provided such feedlot is located not closer than one-fourth (1/4) mile to any R district boundary.

(amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)

   e. Stables. Any stable, provided that such stable is located at least one hundred (100) feet from the nearest lot line of the property on which it is located.

(amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)

   f. Kennels. Any kennel, provided that such kennel complies with general requirements established for kennels.
   g. Excavation. Any excavation operation, provided that such excavation is located not closer than one-fourth (1/4) mile from any R district boundary.

4. Accessory Uses. Accessory uses in the A-1 district shall be any accessory buildings and uses customarily incidental to any of the above permitted uses.

SEC. 100.5.03 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.
2. Minimal Lot Dimensions. All lots within an A-1 district shall have the following minimum dimensions:
   a. Dwellings. No dwelling shall be located on a lot which has less than the following minimum dimensions:
      (1) Lot Area: 3 acres.
      (2) Lot Area (Per Family): 3 acres.
      (3) Lot Width: 200 feet.
      (4) Yard Frontage: 30 feet.
      (5) Yard Rearage: 30 feet.
      (6) Least Width on Any One Side: 10% of the lot width or 25 feet, whichever is less.
   b. Other Permitted Uses. No use or structure shall be located on a lot which has less than the following minimum dimensions:
      (1) Lot Area: 3 acres.
      (2) Lot Area (Per Family): 3 acres.
      (3) Lot Width: 200 feet.
      (4) Yard Frontage: 50 feet.
      (5) Yard Rearage: 50 feet.
      (6) Least Width on Any One Side: 25 feet.
3. Yards and Streets. Each yard with a front setback described below shall have dimensions correlating with the dimensions of the following streets:

Setback (feet)	Street Width (feet)	Comprehensive Plan Street Classification
40	40	**Major**
27	66	Major
25	40	Collector or Local
20	80 or more	Major
20	50 or more	Collector

4. Maximum Building Bulk: None.
5. Minimum Building Width: 24 feet for at least 75 percent of the building's length.
6. Maximum Structure Height: No structure shall exceed three (3) stories or thirty-five (35) feet in height, whichever is less.

Section 100.6 R-1 Residential District

SEC. 100.6.01 PURPOSE The primary purpose of this zoning district is to provide for low density detached residential dwellings and related neighborhood facilities associated with such dwellings, consistent with a dominant single-family residential character. All proposed uses and structures within the district, including non-residential development, shall be planned and designed to be consistent in character with the scale and developmental pattern of the residential neighborhood. The R-1 District is appropriately located away from high traffic and dense land use areas. Commercial uses are limited to allowable home occupations.

SEC. 100.6.02 USES

1. Permitted Uses. The following shall be considered permitted uses or structures:
   a. Single-family detached dwellings, Accessory Dwelling Units (ADUs).
   b. Park areas, open spaces, recreational facilities, waterways and detention areas.

c. Essential services.

2. Provisional Uses. The following uses and structures identified with such uses shall be subject to all the requirements of provisional uses:

a. Family Care Homes meeting rental ordinance requirements for occupancy.
b. Child Care Homes for six or fewer children.
c. Home Occupations meeting the criteria set forth in City Code.

3. Special Provisional Uses. See Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

4. Accessory Structures. Accessory structures in the R-1 district shall be as follows:

a. Private garages and storage structures.
b. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SEC. 100.6.03 DIMENSIONAL REQUIREMENTS

1. Minimum Lot Dimensions. The following minimum and maximum size regulations shall apply in the R-1 Residential District:

a. Minimum Lot Size: 9,000 square feet
b. Minimum Lot Dimensions:
(1) Lot Width: 75 feet
c. Building Setbacks:
(1) Front yard: 25 feet
(2) Side yard: 10 feet
(3) Rear yard: 30 feet
d. Maximum Building Dimensions:
(1) Height: 35 feet and three stories.
(2) Impervious Coverage: 50% of lot area, inclusive of primary and accessory building square footage area and impervious paved surface areas.
e. Minimum Building Dimensions:
(1) Width: 24 feet for at least 75% of its length
f. Maximum Accessory Structure Dimensions:
(1) See Section 100.4.06.
g. Driveway Considerations:
(1) Width at the right of way line: 32 feet maximum
(2) Width at the curb: 32 feet maximum
(3) Distance from side property lines: 5 feet minimum
h. Street and Right of Way Considerations:
(1) Street Width: Streets shall be 29 feet wide, inclusive of curbs, with a right of way provided at 60 feet and including a sidewalk four (4) foot in width.
(2) Parking: On a street 29 feet in width, parking shall be allowed on one side only.

(Ord. 1170 07-15-25)

Section 100.6A R-1A Residential District

SEC. 100.6A.01 PURPOSE The primary purpose of this zoning district is to provide for low density detached and two attached residential dwellings and related neighborhood facilities associated with such dwellings, consistent with a dominant single-family residential character. All proposed uses and structures within the district, including non-residential development, shall be planned and designed to be consistent in character with the scale and

developmental pattern of the residential neighborhood. The R-1A District is appropriately located away from high traffic and dense land use areas and is intended to allow developers to provide for both detached and two attached single-family dwellings within a development. Commercial uses are limited to allowable home occupations.

SEC. 100.6A.02 USES

1. **Permitted Uses.** The following shall be considered permitted uses or structures:
    a. Single-family detached dwellings, Accessory Dwelling Units (ADUs).
    b. Park areas, open spaces, recreational facilities, waterways and detention areas.
    c. Essential services.

2. **Provisional Uses.** The following uses and structures identified with such uses shall be subject to all the requirements of provisional uses:
    a. Single-family attached dwellings, provided a site plan is submitted and covenants and restrictions are in place governing common elements of the attached housing; and provided no more than two dwellings are attached.
    b. Family Care Homes meeting rental ordinance requirements for occupancy.
    c. Child Care Homes for six or fewer children.
    d. Home Occupations meeting the criteria set forth in Section 100.27.04.

3. **Special Provisional Uses.** See Section 100.21.09 (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

4. **Accessory Uses.** Accessory uses in the R-1A district shall be as follows:
    a. Private garages and storage buildings.
    b. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SEC. 100.6A.03 DIMENSIONAL REQUIREMENTS–(Amended by Ordinance 1134,Published 12/19/2023)

Minimum Lot Dimensions. No lots within an R-1A district shall have dimensions less than the following dimensions:

a. Minimum Lot Size:
    (1) Single-Family Detached: 9,000 square feet
    (2) Single-Family Attached: 6,000 square feet
b. Minimum Lot Dimensions:
    (1) Lot Width for single-family detached: 75 feet
    (2) Lot Width for single-family attached: 50 feet
c. Building Setbacks:
    (1) Front yard: 25 feet
    (2) Side yard: 7.5 feet (0 feet for connected side of attached dwellings)
    (3) Rear yard: 30 feet
d. Maximum Building Improvement Dimensions:
    (1) Height: 35 feet and three stories.
    (2) Impervious Coverage: 50% of lot area, inclusive of primary and accessory building square footage area and impervious paved surface areas.
e. Minimum Building Dimensions:
    (1) Width: 24 Ft. for 75% of its length
f. Maximum Accessory Structure Dimensions:
    (1) See Section 100.4.06.
g. Driveway Considerations:
    (1) At the curb and right of way line:
        (a) Detached single-family: 32 feet maximum

(b) Attached single-family: 26 feet maximum
(40 feet for joint drives)
(2) Garages that share a mutual wall, must have a joint driveway
(3) Distance from side property lines: 5 feet minimum

h. Street and Right of Way Considerations:
(1) Street Width: Streets shall be 37 feet wide, inclusive of curbs, with a right of way provided at 70 feet and including a sidewalk four (4) foot in width. If the sidewalk is wider than four feet, the additional width shall be added to the right of way.
(2) Parking: Both sides of street.

(Ord. 1170 07-15-25)

Section 100.7 R-2 Residential District

SEC. 100.7.01 PURPOSE. The R-2 Residential District is a moderate density area intended to provide for the inclusion of single-family detached, single-family attached and two-family dwellings which are blended to form small lot single-family neighborhoods. The R-2 district is appropriately located along primary and secondary arterials and as a buffer area between medium density residential development, commercial development and other low density residential development. This district is intended to allow for existing and compatible uses found in the central part of the City. All commercial uses are limited to allowable home occupations and uses specified in special provisional uses and shall be consistent in character with the scale and developmental pattern of the residential neighborhood.

SEC. 100.7.02 USES.
The following uses and structures identified with such uses shall be allowed to exist within an R-2 district:

1. **Permitted Uses.** The following shall be considered permitted uses or structures:
   a. Single-family detached dwellings, Accessory Dwelling Units (ADUs).
   b. Two-family dwellings.
   c. Park areas, open spaces, recreational facilities, waterways and detention areas.
   d. Essential services.

2. **Provisional Uses.** The following uses and structures identified with such uses shall be subject to all the requirements of provisional uses:
   a. Single-family attached dwellings, provided a site plan is submitted and covenants and restrictions are in place governing common elements of the attached housing; and provided no more than two dwellings are attached.
   b. Family Care Homes meeting rental ordinance requirements for occupancy.
   c. Child Care Homes for six or fewer children.
   d. Home Occupations meeting the criteria set forth in Section 100.27.04.

3. **Special Provisional Uses.** See Section 100.21.09. (amended 1151, adopted 08/19/24; Published 08/27/24)

4. **Accessory structures.** Accessory structures in the R-2 district shall be as follows:
   a. Private garages and storage structures.
   b. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SEC. 100.7.03 DIMENSIONAL REQUIREMENTS.–(Amended by Ordinance 1134,Published 12/19/2023)
Minimum Lot Dimensions. The following minimum and maximum size regulations shall apply in the R-2 Two-family Residential District:

a. Minimum Lot Width/Depth Dimensions:

(1) Lot width for single-family detached: 65 feet/100 feet
(2) Lot Width for two-family: 65 feet/100 feet
(3) Lot Width for single-family attached: 35 feet/100 feet

b. Building Setbacks:
(1) Single-family detached, attached and two-family:
(a) Front yard: 20 feet
(b) Side yard: 7.5 feet (except for one-family attached which is zero(0) feet on the attached side)
(c) Rear yard: 20 feet

c. Maximum Building Improvement Dimensions:
(1) Height: 35 feet and two stories.
(2) Impervious Coverage: 50% of lot area, inclusive of primary and accessory building square footage area and impervious paved surface areas.

d. Minimum Building Dimensions:
(1) Width of one-story structures: 25 Ft. for 80% of its length
(2) Width of two-story structures: 20 Ft. for 80% of its length

e. Maximum Accessory Structure Dimensions:
(1) See Section 100.4.06.

f. Driveway Considerations:
(1) At the curb and right of way line:
(a) Detached single-family: 26 feet maximum
(b) Two-family and attached single-family with separate driveways: 22 feet maximum
(c) Two-family and attached single-family with joint driveways: 40 feet maximum
(2) Garages that share a mutual wall must have a joint driveway.
(3) Distance from property lines: 5 feet minimum

g. Street and Right of Way Considerations:
(1) Street Width: Street shall be provided at 37 feet and right of way shall be provided at 70 feet wide.
(2) Parking: Both sides of street.
(3) Alternative Street Width: Street width shall be provided at 29 feet and right of way at 60 feet wide with parking on one side of the street.

(Ordinance 1017 – Published on 12/13/16)
(Ordinance 1103 – Published on 5/24/22)
(Ordinance 1134 – Published on 12/19/23)
(Ord. 1170 07-15-25)

Section 100.8 R-3 Residential District

SEC. 100.8.01 PURPOSE. The R-3 District is a medium density residential area intended to provide for innovatively designed housing opportunities, consisting of individually owned horizontally attached single family dwellings and single-family cluster detached dwellings primarily in a condominium regime. The R-3 district is appropriately located near primary and secondary collectors or arterials and may act as a buffer area between higher density residential development and other low density residential development. This district is intended to allow for attaching single family dwelling units by common walls to create self-contained neighborhoods with shared or private parking facilities and minimal access points.

SEC. 100.8.02 USES. The following uses and structures identified with such uses shall be allowed to exist within an R-3 district:

1. Permitted Uses. The following shall be considered permitted uses or structures:

a. Two (2), Three (3) and Four (4) family dwelling units horizontally attached, Accessory Dwelling Units (ADUs).

b. One family detached dwellings in a cluster development of two or more.

c. Public Parks, open spaces and recreational facilities.

d. Home Occupations shall meet the criteria set forth in Section 100.27.04.

2. Special Provisional Uses. See Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

SEC. 100.8.03 REQUIRED PROVISIONS. – (Amended by Ordinance 1134, Published 12/19/2023)

1. Dimension and Density Requirements. The following minimum and maximum size and density regulations shall apply in the R-3 Residential District:

a. Minimum Lot Width/Depth for Lots with Single Structures:
(1) One family: 40 feet/100 feet
(2) Two family: 65 feet/100 feet
(3) Three family: 90 feet/100 feet
(4) Four family: 115 feet/100 feet

b. Minimum Density Requirement for Lots with Multiple Structures:
(1) Two family: 6,500 square feet per structure
(2) Three family: 9,000 square feet per structure
(3) Four family: 11,500 square feet per structure
(4) One family detached (cluster homes): 4,000 square feet per structure

c. Building Setbacks:
(1) Front yard: 25 feet
(2) Side yard: 7.5 feet (except for one family attached which is zero (0) feet on the attached side). Multi-family structures on the same property shall be located at least 15 feet apart.
(3) Rear yard: 25 feet

d. Maximum Building Improvement Dimensions:
(1) Height: 2 stories or 35 feet, whichever is less.
(2) Impervious Coverage: 40% of lot area, inclusive of building square footage area and impervious paved road and parking surface areas. Sidewalks and private patio areas shall not be counted towards this requirement.

e. Minimum Building Dimensions:
(1) Width of one-story structures: 25 Ft. for 80% of its length
(2) Width of two-story structures: 20 Ft. for 80% of its length

f. Driveway Considerations:
(1) At the curb and right of way line:
(a) Driveways serving one unit at the curb of a public street: 22 feet maximum
(b) Driveways serving two units at the curb of a public street: 40 feet maximum
(c) Driveways leading to shared parking area: 22 feet maximum
(2) Garages that share a mutual wall, must have a joint driveway,
(3) Distance from property line: 5 feet minimum.

(Ordinance 1103 – Published on 5/24/22)

(Ordinance 1134 - Published on 12/19/23)

2. Site Plan Required. A site plan is required for lots with two or more dwelling structures at full build out. The yard set-back requirement must be met around the perimeter of the development. A site plan review process will be utilized. A proposed dimensioned site plan and restrictive covenants shall accompany the building permit application and will be reviewed by the City Staff. The site plan shall include at a minimum:
   a. Structure(s)
   b. Building Setback Lines
   c. Resulting Grading Plan (two foot min. intervals)
   d. Resulting Drainage Plan (showing flow lines and including underground tiles, termination points of drain spouts at least five feet from all property lines)
   e. Erosion Control Plan
   f. All Adjoining Land Uses, Streets, Utility Service Lines
   g. On-site Parking
   h. Driveways
   i. Sidewalks Connecting to Adjacent Public Sidewalks
   j. Screening (if required by Code)
   k. Recreation Space
   l. The site plan shall also contain such dimensional or additional information as may be required by the Zoning office.

3. For newly developing areas, property owners shall submit along with all new zoning change applications, a preliminary development plan for said property and all contiguous properties owned by the same property owner(s). This plan shall show compliance with the City's Land Use Plan.

SEC. 100.8.04 SITE PLAN REVIEW PROCEDURE.

1. The site plan review procedure provides for special review of projects that have more than one structure on a single lot and can have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.
   a. Administration. The Zoning Administrator or designee shall review, evaluate, and approve all site plans submitted pursuant to this procedure.

   b. Form of Site Plan. All site plans shall be submitted in the following form:
      (1) Site plans shall be drawn on sheets no larger than 24 inches by 36 inches. Where the size of the site precludes all required information from being shown on a sheet, the Zoning Administrator may permit a larger sheet size or an increase in scale.

      (2) Site plans shall be drawn with north directed to the top of the page and the page may be oriented with either its short side or long side as the top of the page.

      (3) All site plans shall include a north arrow, graphic scale, and appropriate key.

      (4) All site plans shall include the name, address, and phone number of the company or persons responsible for preparing the site plan.

      (5) Two (2) copies of the site plan and all required information shall be submitted. A reduced copy of the site plan on a sheet 8.5 inches by 11 inches and a digital version of the plan (.pdf or equivalent file) shall also be submitted

c. Administrative Appeal. The Zoning Administrator must act upon each complete application within 30 calendar days. An applicant may appeal a denial to the Planning and Zoning Commission within 10 calendar days of the action of the Zoning Administrator. The Commission shall consider the appeal at the first available meeting following the filing of such appeal. An applicant may appeal a denial of the Commission to the City Council within 10 calendar days of the action of the Commission. The Council shall consider the appeal at the first available meeting following the filing of such appeal.

d. Review and Evaluation.

(1) The Zoning Administrator, the Planning and Zoning Commission (if appealed) and the Council (if further appealed) shall review and act upon the site plan application based on applicable regulations in this chapter.

(2) The Zoning Administrator, the Planning and Zoning Commission (if appealed) and the Council (if further appealed) shall make the following findings before approval of the site plan:

(a) The proposed development, together with any necessary modifications, is compatible with the criteria set forth in this chapter.

(b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.

(c) The site plan conforms to the Zoning Regulations contained in this chapter.

(d) The site plan documents include the information requested in the Site Plan Checklist.

e. Modification of the Site Plan. The Zoning Administrator or designee (or the Planning and Zoning Commission in cases of appeal) may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than zoning district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, welfare, or character of the community.

f. Term and Modification of Approval.

(1) A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.

(2) The Zoning Administrator or his /her designee may approve a modification to a previously approved site plan if he/she determines that the modification does not materially change the plan.

(3) The Zoning Administrator or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Commission and Council under the procedure outlined above.

g. Approval to Run with Land. An approval pursuant to this section shall run with the land until the expiration date of such approval.

(Ord. 1170 07-15-25)

Section 100.9 R-4 Residential District

SEC. 100.9.01 PURPOSE. The R-4 District is the highest density residential area intended to provide for multiple dwelling unit structures with units under common or individual ownership. The R-4 district is appropriately located near primary and secondary arterials and near retail districts. Typically these districts are located between lower density residential areas and nonresidential areas in conformity with the City's Land Use Plan.

SEC. 100.9.02 USES. The following uses and structures identified with such uses shall be allowed to exist within an R-4 district:

1. Permitted Uses. The following shall be considered permitted uses or structures:
   - a. Three or more dwelling units in a single structure, Accessory Dwelling Units (ADUs).
   - b. Public Parks, open spaces and recreational facilities.
   - c. Condominiums.
   - d. Multiple structures on a single lot

2. Special Provisional Uses. See Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

SEC. 100.9.03 REQUIRED PROVISIONS. Permitted uses and structures identified with such uses within this section shall be subject to the following requirements:

1. Site Plan Required. A site plan shall accompany the building permit application for the permitted uses in this chapter. Site plan will be reviewed by the City Staff. The site plan shall include at a minimum:
   - a. Structure(s)
   - b. Building Setback Lines
   - c. Resulting Grading Plan (two foot min. intervals)
   - d. Resulting Drainage Plan (showing flow lines and including underground tiles, termination points of drain spouts at least five feet from all property lines)
   - e. Erosion Control Plan
   - f. All Adjoining Land Uses, Streets, Utility Service Lines
   - g. On-site Parking
   - h. Driveways
   - i. Sidewalks Connecting to Adjacent Public Sidewalks
   - j. Screening (if required by Code)
   - k. Recreation Space
   - l. The site plan shall also contain such dimensional or additional information as may be required by the Zoning office.

SEC. 100.9.03 DIMENSIONAL REQUIREMENTS.–(Amended by Ordinance 1134,Published 12/19/2023)

1. Lots and Yards. The following minimum and maximum size regulations shall apply in the R-4 Residential District:
   - a. Minimum Lot Size: 9,000 square feet or 1,800 square feet per dwelling unit, whichever is greater.
   - b. Minimum Lot Dimensions for a single structure:
     (1) Lot width: 90 feet
     (2) Lot depth: 100 feet
     (3) Lot frontage: 90 feet

b. Building Structure Setbacks:
(1) Front yard: 25 feet
(2) Side yard: 10 feet; multiple family units on the same property shall be located at least 20 feet apart.
(3) Rear yard: 20 feet

c. Maximum Building Improvement Dimensions:
(1) Height: Three (3) stories or 45 feet, whichever is lower, except that additional height for additional stories may be added at the rate of two feet in height for each one foot that the building or portion thereof is set back from the required yard lines.
(2) Building Coverage: 40% of lot area. Sidewalks and private patio areas shall not be counted towards this requirement.

d. Minimum Building Dimensions:
(1) Width: 24 Ft. for 75% of its length

f. Driveway Considerations for access onto Public Streets:
(a) Width at the curb and right of way line: 22 feet maximum
(b) Distance from one side property line: 5 feet
(c) Driveways shall be limited to two driveway curb cuts per 150 feet of frontage onto a public street.

2. For multiple structures, the structures must meet the yard setback requirement for the district around the perimeter of the development and other dimensional requirements. For corner lots, the structure(s) shall observe a front yard setback from each frontage. A proposed site plan and restrictive covenants (if applicable) shall accompany an application for site plan review with the Zoning office.

3. Land Use Intensity. In order to uphold the public health, safety and welfare, the relationship of impervious land area (Buildings under roof and parking areas) and recreation space (unimproved, planted with vegetation that is suitable for active and passive recreation) of the development must conform with the following ratios:
a. Impervious Land Area: Not greater than 90%, inclusive of building square footage area and impervious paved parking surface areas.
b. Recreation Space Area: Not less than 10%

4. For newly developing areas, property owners shall submit along with all new zoning permit requests for review by the Planning Commission a general development plan for said property and all contiguous properties owned by the same property owner(s). This plan shall show intended compliance with the City's Land Use Plan, zoning density provisions, future roadway and public utility connections, and the anticipated layout and typical dimensioned structure(s) at build-out.

SEC. 100.9.04 SITE PLAN REVIEW PROCEDURE.

1. The site plan review procedure provides for special review of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

a. Administration. The Zoning Administrator or designee shall review, evaluate, and approve all site plans submitted pursuant to this procedure. An

applicant may appeal a denial of any application to the Planning and Zoning Commission.

b. Form of Site Plan. All site plans shall be submitted in the following form:

(1) Site plans shall be drawn on sheets no larger than 24 inches by 36 inches. Where the size of the site precludes all required information from being shown on a sheet, the Zoning Administrator may permit a larger sheet size or an increase in scale.

(2) Site plans shall be drawn with north directed to the top of the page and the page may be oriented with either its short side or long side as the top of the page.

(3) All site plans shall include a north arrow, graphic scale, and appropriate key.

(4) All site plans shall include the name, address, and phone number of the company or persons responsible for preparing the site plan.

(5) Two (2) copies of the site plan and all required information shall be submitted. A reduced copy of the site plan on a sheet 8.5 inches by 11 inches and a digital version of the plan (.pdf or equivalent file) shall also be submitted.

c. Administrative Appeal. The Zoning Administrator must act upon each complete application within 30 calendar days. An applicant may appeal a denial to the Planning and Zoning Commission within 10 calendar days of the action of the Zoning Administrator. The Commission shall consider the appeal at the first available meeting following the filing of such appeal. An applicant may appeal a denial of the Commission to the City Council within 10 calendar days of the action of the Commission. The Council shall consider the appeal at the first available meeting following the filing of such appeal.

d. Review and Evaluation.

(1) The Zoning Administrator, the Planning and Zoning Commission (if appealed) and the Council (if further appealed) shall review and act upon the site plan application based on applicable regulations in this chapter.

(2) The Zoning Administrator, the Planning and Zoning Commission (if appealed) and the Council (if further appealed) shall make the following findings before approval of the site plan:

(a) The proposed development, together with any necessary modifications, is compatible with the criteria set forth in this chapter.

(b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.

(c) The site plan conforms to the Zoning Regulations contained in this chapter.

(d) The site plan documents include the information requested in the Site Plan Checklist.

e. Modification of the Site Plan. The Zoning Administrator or designee (or the Planning and Zoning Commission in cases of appeal) may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than zoning district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, welfare, or character of the community.

f. Term and Modification of Approval.

(1) A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.

(2) The Zoning Administrator or his /her designee may approve a modification to a previously approved site plan if he/she determines that the modification does not materially change the plan.

(3) The Zoning Administrator or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Commission and Council under the procedure outlined above.

g. Approval to Run with Land. An approval pursuant to this section shall run with the land until the expiration date of such approval.

(Ordinance 1024 – Published on 5/23/17)
(Ord. 1170 07-15-25)

Section 100.10 R-FBH Planned Factory Built Home District

SEC. 100.10.01 APPLICABILITY - PURPOSE.

1. Regulations. The regulations set forth in this chapter shall apply in the R-FBH Planned Factory Built Home District.

2. Intent. The intent of the R-FBH District is to provide sites only for the location of factory built homes which will allow the maximum amount of freedom possible in the design of factory built home parks and will provide for the related recreational, commercial, and other service facilities for the planned factory built home residential developments.

SEC. 100.10.02 PERMITTED USES. Principal permitted uses in the R-FBH district shall be as follows:

1. Homes. Single and double-wide factory built homes.

2. Facilities. Noncommercial community recreational facilities which are intended exclusively for the use of the residents and their guests of the factory built home development.

3. Services. Pedestrian-oriented personal service facilities which are intended exclusively for the use of the residents of the factory built home development, provided that such personal service facilities occupy not more than ten square feet of gross floor area for each factory built home in the development.

4. Buildings. Buildings used for the management and maintenance of the development.

5. Sales. Commercial factory built home sales.

SEC. 100.10.03 ACCESSORY USES. Accessory uses permitted in the R-FBH district shall be as follows:

1. Factory Built Home Storage. Storage buildings and uses customarily accessory to factory built homes, such as garages and storage buildings.

SEC. 100.10.04 HEIGHT REGULATIONS. No principal building within this district shall exceed two stories or twenty-five feet in height, whichever is lower; and no accessory structure shall exceed one story or fifteen feet in height, whichever is lower.

SEC. 100.10.05 PLAN - REVIEW. The owner or owners of any tract of land comprising an area of not less than ten acres shall submit to the planning and zoning commission a plan for the use and development of the entire tract of land. This plan shall include the site location and uses of all buildings, the location of each single-wide and double-wide factory built home stand, the locations and types of all community and recreational facilities; open spaces, including developed open spaces and those to be preserved in their existing state; points of access to the site, principal pedestrian and vehicular circulation ways, parking facilities and other principal elements of the vehicular and pedestrian transportation system. The planning and zoning commission shall review the conformity of the proposed development with the standards of the comprehensive plan, and with recognized principals of civic design, land use planning and landscape architecture. The planning and zoning commission may after holding a public hearing and reviewing the development plan recommend approval, approval with recommended modifications, or disapproval of the development plan which accompanies the application. The planning and zoning commission shall forward its written recommendations to the city council which shall, after notice and public hearing, approve or disapprove said application and plan, or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this chapter.

SEC. 100.10.06 GENERAL REQUIREMENTS. The land usage, minimum lot area, yard, height and accessory uses shall be determined by the requirements set out as follows, which shall prevail over conflicting requirements of this chapter or the subdivision ordinance.

1. Boundary Lines. Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the planning and zoning commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

2. Plat. A plat of the development shall be recorded, showing building locations, common land, streets, easements, and other applicable items required, by the subdivision ordinance.

3. Permits. No building permits shall be issued until the final plat of the development is approved and recorded, and the applicant must file with the Zoning Manager and/or Building Official proof of compliance with all requirements of the Department of Health of the State of Iowa.

4. Tie-downs. Factory built homes shall maintain structural tie-downs.

SEC. 100.10.07 DEED RESTRICTIONS. In its review of the plan, the commission or council may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained shall refer to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.

SEC. 100.10.08 LAND USE AND DENSITY REQUIREMENTS. Land use and density requirements in the R-FBH district shall be as follows:

1. Area Plan. Seven factory built home stands shall be permitted for each acre of land contained in the usable area of the plan.

2. Set Back. No part of any factory built home or other structure shall be located within twenty-five feet of any public road shown on the official major street plan, nor within twenty feet of any exterior boundary of the planned factory built home development.

3. Parking. Parking facilities shall be provided within the development at the rate of two spaces per factory built home.

4. Percent Use. Commercial uses and accessory uses within the R-FBH district shall not consume more than fifteen percent of the total district.

5. Permit Exception. No permit for any commercial structure or building shall be issued until at least twenty-five percent of the factory built home sites are developed for residential uses.

Section 100.11 S-1 Shopping Center District

SEC. 100.11.01 PURPOSE.

1. The regulations set forth in this section shall apply in the S-1 shopping center district.

2. The S-1 district is intended to provide for the development of shopping centers. For the purposes of this chapter, the term "shopping center" shall mean a planned retail and service area under single ownership, management or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. and comprised of a tract of land not less than five acres.

SEC. 100.11.02 PERMITTED USES - HEIGHT, LOT AREA, FRONTAGE AND YARD REQUIREMENTS. Uses permitted in the S-1 district shall include any use permitted in the C-2 and C-3 districts, and as limited by these districts; provided, however, the city council may consider any additional restrictions proposed by the owner. The lot area, lot frontage, and yard requirements of the C-2 district shall be considered minimum for the S-1 district. However, it is expected that these minimums will be exceeded in all but exceptional structures. Buildings may be erected to heights greater than those allowed in the C-2 district in accordance with the intent and purpose of this chapter.

SEC. 100.11.03 PRELIMINARY APPLICATION REQUIREMENTS. Before or concurrently with any application seeking the zoning classification for the proposed property may be changed to a S-1 classification, the owner shall submit paper and electronic copies of a preliminary application to the city clerk, pursuant to procedures established by the city clerk and containing the following information:

1. Heading. The title "Preliminary Plan," the scale of the drawing, and a north point.

2. Name. The proposed name of the shopping center which shall not duplicate or resemble existing shopping center names in the city.

3. Owner. The name and address of the owner and the name, address and profession of the person preparing the plan.

4. Key Map. A key map showing the general location of proposed property in relation to the surrounding area.

5. Boundaries. A general drawing which shows the dimensions of the proposed property and the approximate length of such property's proposed boundaries which shall be indicated on the plan by a solid line drawn darker than any other line appearing on such plan. The plan shall also include city boundary lines, provided that such lines divide the property.

6. Throughways. A drawing which shows the name and location of all existing throughways which abut the proposed property.

7. Proposed Streets. A drawing which shows the location of any street proposed to be located on or abutting the proposed property.

8. Structures. A drawing which shows the location and dimensions, including the height, number of stories, width, length and floor area, of each proposed structure and the primary function that each such structure may serve.

9. Parking Areas. A drawing showing the location and dimensions of all proposed surfaced areas which are designed to accommodate vehicular parking.

SEC. 100.11.04 PRELIMINARY APPLICATION APPROVAL PROCEDURES. The city shall consider for approval any preliminary application, according to the following requirements:

1. Administrative Review. City staff shall review the preliminary application and the city administrator shall submit a report recommending the approval or disapproval of the preliminary application. The report may contain a statement of concerns about the proposal or reasons for disapproving the application and may contain suggestions for improving the application. The report shall be delivered to the city clerk and a copy to the applicant within fifteen (15) days following the date that the city clerk received the preliminary application for filing.

    a. The owner shall have the opportunity to amend the application to conform to recommendations and suggestions of the city administrator. The applicant shall advise the city administrator when the application or amended application is requested to be reviewed by the planning and zoning commission.

2. Planning and Zoning Commission Review. The planning and zoning commission shall review the preliminary application, following receipt of the administrator's report.

    a. The commission shall determine that the proposals in the preliminary application conform with city zoning and subdivision laws and the comprehensive plan of the city.

    b. The commission shall submit a report recommending the approval or disapproval of the preliminary application. If disapproved, the report shall contain all reasons for denying the preliminary application and may contain suggestions for improving such application. The report shall be delivered to the city clerk within 40 days following the date that the preliminary application was first reviewed by the

commission. The owner may amend the preliminary application to conform with recommendations or suggestions made by commission resolution.

3. City Council Review. The city council shall review the preliminary application, following receipt of the written recommendation of the planning and zoning commission.

   a. The city council shall determine whether the proposals contained in the preliminary application conform with all applicable law and the comprehensive plan.

   b. The city council shall decide to approve or disapprove the preliminary application. If disapproved, the city council shall state, by resolution all the reasons for disapproving the preliminary application and may specify how the application may be improved. The decision shall be rendered by the council within 30 days following the date that the preliminary application was first reviewed by the council.

   c. A certified copy of the resolution approving or disapproving the preliminary application and stating the reasons for such actions shall be attached to a copy of the application and filed with the city clerk.

   d. Effect. Approval of the preliminary application shall have the following effects:
      (1) The request for rezoning to the S-1 district must accompany the preliminary application, or be submitted within six (6) months following the date the preliminary application was approved by the council.

      (2) Preliminary Plan. The owner shall be authorized to submit to the city a preliminary plan of the shopping center to be located on the proposed property.

SEC. 100.11.05 PRELIMINARY PLAN REQUIREMENTS. A preliminary plan, including all materials required to be attached to such plan, must be delivered to the clerk before one (1) year expires following the date that the zoning application for the proposed property was approved, provided that such plan contains the following information:

1. Plan. The following information shall be contained in any such plan:

   a. Name. The name of the shopping center shall be designated by name stated in bold letters inside the margin at the top of each sheet included in the plan.

   b. Compass. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plan.

   c. Boundary Lines. The course of every boundary line shown on the plan shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line.

   d. Irregular Boundary. When any portion of the proposed property is shown bounded by an irregular line, the major portion of such property shall be shown to be enclosed by a meander line. There shall be shown the complete data describing distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined, if variable. In all cases, the true boundary shall be clearly indicated on the plan.

   e. Curve Measurements. Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve, and curve data for streets shall be shown only with reference to the center line, and

lots fronting on such curves may show only the bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve data must be shown for the line affected.

f. Excepted Parcels. All interior excepted parcels shall be clearly indicated and labeled, "not part of this plan."

g. Adjoining Property. All properties adjoining the proposed property shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown.

h. Easements. All easements on the proposed property shall be shown and the purpose of such easements shall be clearly stated.

i. Throughway Plan.
   (1) Existing Throughways. A showing of the location and the dimensions of all existing throughways.

   (2) Proposed Throughways. A detail showing all throughways planned to be installed on or abutting the proposed property, including the type of throughway installed, and the location, width and depth, and any materials used to pave, such throughway.

j. Site Plan. A detail showing or description of all specific methods planned to ensure attractive landscaping, that desirable features of the proposed property are retained, and that topsoil and tile drainage are preserved, and that erosion is effectively controlled.

k. Water and Sewer Plan. A detailed description or showing of all specific methods planned to provide water and sanitary sewer service, including the location and capacity or size of hydrants, valves, thrust blocks, plugs and service lines.

l. Drainage Plan. A detailed description or showing of all specific drainage systems planned to drain water and debris carried by water from the proposed property, including storm sewers, culverts and erosion control facilities.

m. Flood Plain Management. A description of the present and proposed flood plain limits.

n. Building Plan. A detailed description or showing of all structures to be constructed on the proposed property, the primary purpose of the structure, and the dimensions of each such structure, including the height, number of stories, length, width and floor space of each structure.

o. Utility Plan. A detailed description or showing of all existing and proposed major and minor utility facilities which is planned to furnish service to the shopping center.

2. Attachments to the Preliminary Plan. The following documentation shall be attached to each copy of the preliminary plan:

a. Traffic Analysis. A detailed analysis of the amount of traffic and traffic patterns on the proposed property and surrounding the proposed property if such property is developed according the preliminary plan.

b. Maintenance Guarantee. A certificate, signed by city administrator, stating that a maintenance guarantee has been posted, as required by Section 103.7.19 of this code.

c. Performance Guarantee. A certificate, signed by the city administrator, stating that a performance guarantee has been posted, as required by Section 103.7.18 of this code.

c. Oversized Facilities. A certificate, signed by the city administrator, which shall state that a payment has been made to reimburse a subdivider who was required to install any oversized major utility facility, including any oversized pipe, on property abutting

the proposed property, provided that the abutting property's subdivision has been approved and that the oversized facilities installed on the abutting property may benefit the shopping center.

SEC. 100.11.06 PRELIMINARY PLAN APPROVAL PROCEDURES. The city shall consider for approval any preliminary plan, pursuant to the following requirements:

1. Administrative Review. City staff shall review the preliminary plan and the city administrator shall submit a report recommending the approval or disapproval of the plan, including all attached materials, pursuant to the following requirements. The report may contain a statement of concerns about the proposal or reasons for disapproving the plan and may contain suggestions for improving the plan. The report shall be delivered to the city clerk and the applicant within fifteen (15) days following the date that the city clerk received the preliminary plan for distribution.

    a. The owner shall have the opportunity to amend the plan to conform with all recommendations and suggestions reported by the city administrator. The applicant shall advise the city administrator when the plan or amended plan is requested to be reviewed by the planning and zoning commission.

2. Planning and Zoning Commission Review. The Planning and Zoning Commission shall review the plan, including all attached materials, and the administrator's report, subject to the following requirements:

    a. The commission shall determine whether the plan conforms with city zoning and subdivision laws, including any provision of this division, the city comprehensive plan and other adopted plans of the city.

    b. The commission shall submit a report recommending the approval or denial of the plan, including any attached materials. If disapproved, the report shall contain all reasons for denying the preliminary plan and may contain recommendations or suggestions for improving the plan. The commission's report shall be delivered to the city clerk within 40 days following the date that the plan was first reviewed by the commission. The owner may amend the plan to conform with all recommendations or suggestions made by commission resolution, unless the city clerk is provided notice that the owner demands immediate review of the existing plan by the council.

3. City Council Review. The city council shall review the preliminary plan, including all materials attached to such plan, and may consider the reports by the city administrator and the commission, following receipt of the written recommendation of the planning and zoning commission.

    a. The council shall determine whether the plan conforms with city zoning and subdivision laws, including any provision of this division, the city comprehensive plan, and other adopted plans.

    b. The city council shall decide to approve or disapprove the plan, pursuant to the following requirements. If disapproved, the council shall state, by resolution all the reasons for denying the plan and may specify how the plan may be improved. The decision shall be rendered by the council within 30 days following the date that the plan was first reviewed by the council.

c. A certified copy of the resolution approving or denying the plan and stating the reasons for such action shall be attached to a copy of the plan and filed by the city clerk.

d. Effect. Approval of the preliminary plan by the city council shall authorize the owner to submit to the city a final plan of the shopping center to be located on the proposed property.

SEC. 100.11.07 FINAL PLAN. Upon council approval of the preliminary plan, including materials attached to such plan, the owner shall submit to the city clerk, a final plan for the proposed property.

1. Final Plan Requirements. The final plan shall contain the following information:
   a. Preliminary Plan. All information required to be contained in the preliminary plan, including any amendments to the approved preliminary plan.

   b. Attachments. All information required to be contained in the materials attached to the approved preliminary plan, including any amendments to such materials.

   c. Endorsements. At the end of the proposed final plan there shall be attached a copy of the approving resolution of the council and the signatures of the mayor and city clerk.

   d. Certification. A statement attached to the plan and signed by the city administrator, stating that the proposed property has been developed in compliance with the requirements of the approved preliminary plan and materials attached to such plan.

   e. Guarantee Status. Prior to the release or extension of any guarantee, the administrator shall deliver to the city clerk for council approval the certification described at (d) above.

SEC. 100.11.08 CHANGE IN PLAN - RESUBMISSION REQUIRED. Any proposed change in the shopping center plan that would materially
alter the plan or basic concept of the shopping center as it was originally approved shall be resubmitted and considered in the same manner as the original proposal.

SEC. 100.11.09 EXISTING SHOPPING CENTERS - CONFORMANCE REQUIRED WHEN. Shopping centers in existence at the time of passage of this chapter which are zoned S-1 by this chapter shall be considered as having met all of the requirements of this chapter. All new construction, additions, enlargements, etc., to structures within these shopping centers shall be in accordance with the use and bulk regulations of the C-2 district, except in cases where more restrictive controls have been imposed by agreement between the city and the property owners involved.

Section 100.12 C-1 Neighborhood Commercial District

SEC. 100.12.01 APPLICABILITY AND PURPOSE.

1. Regulation. The regulations set forth in this section shall apply in the C-1 commercial district.

2. Intent. The intent of the C-1 district is to provide for personal service businesses, professional offices and medical offices where persons are served primarily by appointment. This district is designed to allow for the service commercial uses outside the central business district. The uses permitted are intended to primarily accommodate the local community. This district may
   be located near residential areas and should not include high traffic volume businesses which require frequent deliveries by tractor trailers, and that generally operate between the hours of 10pm and 6am.

3. Character. All proposed commercial uses and structures allowed within this district should be planned and designed to be consistent in character with the blend of residential and commercial representing the scale and developmental pattern of a transitional district.

SEC. 100.12.02 USES. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

1. Principal. Principal permitted uses in the C-1 district shall be as follows:

   a. Medical clinics, including doctors, chiropractors, dentists, therapists or similar professions, except facilities which provide overnight accommodations.

   b. Business and professional offices, including law, engineering, real estate, insurance, accounting, and financial institutions.

   c. Personal service businesses, including beauty salons, barber shops, nail salons, tanning salons.

2. Special Provisional Uses. See Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

SEC. 100.12.03 ACCESSORY USES. Accessory uses normally associated with the above permitted principal uses are permitted in the C-1 district.

SEC. 100.12.04 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this section and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Minimum Lot Dimensions. No lots within a C-1 district shall have dimensions less than the following dimensions:

   a. Permitted Uses. No use or structure shall be located on a lot which has less than the following minimum dimensions:
      (1) Yard Frontage: 25 feet.

      (2) Yard Rearage: 15 feet.

      (3) Side Yard: 10 feet.

   b. Accessory Buildings. No accessory structure shall be located on a lot which has less than the following minimum dimensions:
      (1) Yard Frontage: 25 feet.

      (2) Yard Rearage: 10 feet.

      (3) Side Yard: 10 feet.

   c. Maximum Structure Height. No building shall exceed two stories or thirty-five feet in height whichever is lower except as provided in exceptions and modifications of this chapter

SEC. 100.12.05 SCREENING.

a. Screening. Screening shall be in accordance with the Visual Barrier Standards in Section 100.4.13 of this Code.

(Ordinance 1030 3/13/18)

Section 100.13 C-2 Commercial District – (Amended by Ordinance 1120, Published 03/14/2023)

SEC. 100.13.01 APPLICABILITY AND PURPOSE.

1. Regulations. The regulations set forth in this section shall apply in the C-2 commercial district.

2. Intent. The intent of the C-2 district is to provide for commercial and primarily retail uses generally associated with automobile traffic, located adjacent to arterial and collector streets and highways requiring amounts of space too great to be located in the central business district and characterized by high retail activity levels during business hours.

3. Commercial/Residential Use. For the purposes of this District the principal permitted uses shall be commercial. Residential dwellings shall be permitted above the first floor of the commercial use. Multifamily dwelling unit proposals shall require special provisional use approval. (Amended 6/11/2013 by Ord. 971. and 3/14/23 by Ord. 1120)

SEC. 100.13.02 PERMITTED USES. Principal permitted uses in the C-2 district shall be as follows:

1. Any use permitted in the C-1 district or C-3 district.

2. The manufacture and sale of baked goods.

3. The sale of prepared food and beverages, including carryout and sale for consumption on the premises.

4. Retail sale of consumer products in stores. The sale of general merchandise, including multi-department stores; grocery; apparel of all kinds; furniture, furnishings and household goods; hardware and garden; home improvement; pharmacies; gifts; music; sporting goods; hobby shops, jewelry stores; convenience stores and similar retail stores where products and merchandise are sold to the general public.

5. Service establishments. The provision of general personal and financial services provided to individuals and businesses generally, including financial institutions.

6. Hotels and motels.

7. Vehicle and machinery sales, rentals, parts and services, including repair businesses, fueling stations, parking lots, vehicle tires and parts businesses; carwashes; motor vehicles sales and rental businesses, but not including salvage yards.

8. Amusement and recreation. Event venues, bowling alleys, gaming centers, theaters, skating rinks, golf driving range, miniature golf course, golf simulators; or other social, sport or recreation businesses.

9. Animal hospital, veterinary clinic or kennel, provided all phases of the business conducted upon the premises are withing a building where noises and odors are not evident to adjacent properties.

10. Residential units when located above first floor level of the principal permitted uses. Off street parking requirements for both residential and business must be met.

11. Childcare Facilities

12. Businesses engaged in the small-scale final production of consumer products from previously prepared base materials, including processing, fabrication, assembly, treatment and packaging of such goods entirely within an enclosed structure, and which include an on-site sales showroom for the public. These businesses are generally located on sites of 3 acres or less and have no major external environmental effects such as noise, odor, smoke or vibrations across property lines. Such businesses are required to utilize screening for storage areas as defined in this Chapter.

(Amended 3-14-23 by Ordinance No. 1120)

SEC. 100.13.03 SPECIAL PROVISIONAL USES. The following uses shall be subject to the requirements of special provisional uses. The requirements and additional uses can be found in Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

1. Adult Entertainment and Sexually Oriented Businesses. Uses defined as adult entertainment or sexually oriented businesses are generally considered to be any adult arcades, adult bookstores, adult video stores, adult cabarets, adult motels, escort agencies, adult theaters or any similar or like businesses. All uses for adult entertainment shall be placed a minimum of 500 feet from the nearest residential district and a minimum 1000 feet from the nearest school, playground, day-care facility, church or another adult entertainment or sexually oriented business.

2. Traditional single story self-storage or mini-storage typified by rows of connected storage units with residential sized roll-up doors open to the outdoors and limited in height, which are not located in prime retail commercial locations adjacent to arterial and collector street corridors and are shielded from them.

3. Multi-family residential structures as permitted in R-3 and R-4 which are not located in prime retail commercial locations adjacent to arterial and collector street corridors.

(Amended 3-14-23 by Ordinance No. 1120)

SEC. 100.13.04 ACCESSORY USES. Accessory uses in the C-2 district shall be as follows:

1 Permitted. Accessory uses permitted in the C-1 district.

2. Incidental Uses. Accessory uses and structures customarily incidental to any permitted uses, including warehouse storage structures that should be located behind the permitted use and not adjacent to arterial and collector street corridors.

SEC. 100.13.05 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated

pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Building setbacks and height limitations. Buildings within a C-2 district shall have the following building setbacks.

   a. No use or structure shall be located on a lot, which has less than the following minimum setbacks.

      (1) Front Yard Building Setback from right of way: 50 feet.
      (2) Rear Yard Building Setback: 10 feet or 25 feet when adjacent to a residentially zoned lot.
      (3) Side Yards Building Setbacks: 10 feet or 25 feet when adjacent to a residentially zoned lot, except where vehicular service is required to the rear of the principal structure and is adjacent to a commercial or industrial zoned lot, in which case one side yard setback shall be no less than twenty feet.

   b. Accessory Buildings. Accessory buildings shall have the same setbacks and height limitations as a primary structure.

   c. Maximum Structure Height. No building shall exceed three stories or 48 feet in height, whichever is lower, unless granted a special provisional use exception in consideration of the site location and its proximity to other current or future possible uses.

   d. Parking Lots. Parking lots shall be setback at least 10 feet from the right of ways of adjacent public or private streets.
   (Amended 3-14-23 by Ordinance No. 1120)

Section 100.13A C-2A Commercial District

SEC. 100.13A.01 APPLICABILITY AND PURPOSE.

1. Regulations. The regulations set forth in this section shall apply in the C-2A Commercial District.

2. Intent. The intent of the C-2A District is to provide for commercial uses primarily oriented toward automobile traffic or requiring amounts of space too great to be located in the central business district located along major arterial or primary highway routes with limited property depth.

3. Commercial/Residential Use. For the purposes of this District the principal permitted uses shall be commercial. Residential dwellings shall be permitted above the first floor of the commercial use. New multi-family dwelling unit proposals on or below the first floor shall be subject to the special provisional use process. (Amended 6/11/2013 by Ord. 971.)

SEC. 100.13A.02 PERMITTED USES. Principal permitted uses in the C-2A District shall be as follows:

   1. Any use permitted in the C-1 District, C-2 District or C-3 District.

   2. Residential units when located above first floor level of the principal permitted uses. Off street parking requirements for both residential and business must be met.

SEC. 100.13A.03 ACCESSORY USES. Accessory uses in the C-2A district shall be as follows:

1. Incidental Uses. Accessory uses and structures customarily incidental to any permitted uses.

SEC. 100.13A.04 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Minimum Lot Dimensions. No lots within a C-2A district shall have dimensions less than the following dimensions:

   a. Other Permitted Uses. No use or structure shall be located on a lot, which has less than the following minimum dimensions.

      (1) Yard Frontage: 10 feet
      (2) Yard Rear: 15 feet
      (3) Side Yards: Each Side yard shall be no less than ten feet, fifteen feet when abutting residential, except where vehicular service is required to the rear of the principal structure, in which case one side yard shall be no less than twenty feet.

   b. Accessory Buildings. No accessory building shall be located on a lot which has less than the following minimum dimensions:

      (1) Yard Frontage: 10 feet
      (2) Yard Rearage: 10 feet
      (3) Side Yards: Each side yard shall be no less than ten feet, 15 feet when abutting residential.

   b. Maximum Structure Height. No building shall exceed three stories or 48 feet in height, whichever is lower.

Section 100.14 C-3 Commercial (Central Business) District

SEC. 100.14.01 APPLICABILITY - PURPOSE.

1. Regulations. The regulations set forth in this section shall apply in the C-3 commercial district.

2. Intent. The intent of the C-3 district is to provide for the grouping of the majority of commercial uses and services in the central business district and in defined secondary commercial centers.

3. Commercial/Residential Use. For the purposes of this District the principal permitted uses shall be commercial. Residential dwellings shall be permitted above the first floor of the commercial use. New multi-family dwelling unit proposals on or below the first floor shall be subject to the special provisional use process. (Amended 6/11/2013 by Ord. 971.)

SEC. 100.14.02 PERMITTED USES. Principal permitted uses in the C-3 district shall be as follows:

1. Uses permitted in the C-1 district.
2. Antique shop.
3. Apparel shop.
4. Auto parts and tire sales.
5. Baker, whose products are sold only at retail and only on the premises.
6. Bicycle shop, sales or repair.
7. Billiard parlor and pool hall.
8. Bookbinding.
9. Bookstore.
10. Bus and taxi depots.
11. Candy shops where products are sold only at retail and only on the premises.
12. Carpet and floor coverings store.
13. Clothes cleaning and/or dyeing establishments.
14. Collection office of public utility.
15. Commercial parking lots for passenger vehicles.
16. Dairy store, retail.
17. Dance and/or music studio.
18. Department store.
19. Drapery shop.
20. Drinking establishment.
21. Exterminator sales.
22. Florist and nursery shop, retail.
23. Fruit and vegetable market.

24. Financial institutions.

25. Furniture store.

26. Gift shop.

27. Grocery store.

28. Hardware and variety store.

29. Hobby shop.

30. Hotels and motels.

31. Household appliances, sales, repair, and rental.

32. Ice storage and distributing of not more than five-ton capacity.

33. Jewelry shop.

34. Key shop.

35. Landscape gardener.

36. Laundries.

37. Lawn mower repair shop.

38. Liquor store.

39. Locker plant for storage and retail sales only.

40. Music, audio or video, rental or retail store.

41. Museums.

42. Offices, business, government and professional.

43. Office supply store.

44. Paint and wallpaper store.

45. Pet shop including aquariums.

46. Photographic studio.

47. Plumbing, heating and electrical contractor shop.

48. Printing and/or publishing houses, newspapers.

49. Radio and television sales and service.

50. Restaurants.

51. Residential. Above the first floor. For residential on or below the first floor, follow special provisional use process.

52. Shoe and shoe repair shop.

53. Sporting goods store.

54. Tailor shop.

55. Theaters (excluding drive-in theaters), auditoriums.

56. Travel agency.

57. Upholstery establishments.

58. Childcare Facilities.

59. Monument Sales for Retail Purposes Only.

(51 – 59 Amended 6/11/2013 by Ord. 971.)

SEC. 100.14.03 ACCESSORY USES. Accessory uses in the C-3 district shall be as follows:

1. Residential Units. Residential units only when located above the first floor level of the principal permitted use. Multi-family dwelling unit proposals on or below the first floor shall be subject to the special provisional use process. The waiver of off-street parking requirements within the C-3 district does not apply to residential uses. (Amended 6/11/2013 by Ord. 971.)

2. Storage. Storage facilities related to the operation of the principal permitted use.

SEC. 100.14.04 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this section and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Minimum Lot Dimension. No lots within a C-3 district shall have dimensions less that the following dimensions:

    a. Permitted Uses.

        (1) Yard Frontage. None required unless fronting on the proposed right-of-way of the thoroughfare shown on the official major street plan, in which case the building setback line shall be the proposed right-of-way line.

(2) Rear Yard: None required when abutting a street or alley, 15 feet when directly abutting a Residential District.

(3) Side Yard: None required when abutting a street or alley, 15 feet when directly abutting a Residential District. (Amended 8/26/14 Ord. 984)

3. Maximum Structure Height. No building shall exceed a height of 5 stories or 78 feet whichever is less. When across the street from an "R" district lot, or on a corner lot located across from an "R" district lot, no building shall exceed a height of 3 stories or 48 feet, whichever is less. (Amended 6/11/2013 by Ord. 971.)

Section 100.15 M-1 Light Industrial District – (Amended by Ordinance 1120, Published 03/14/2023)

SEC. 100.15.01 APPLICABILITY AND PURPOSE.

1. Regulations. The regulations set forth in this section shall apply in the M-1 industrial district.

2. Intent. The intent of the M-1 district is to provide areas for light industrial uses.

SEC. 100.15.02 PERMITTED USES. Principal permitted uses in the M-1 district shall be as follows:

1. Any use permitted in the C-2 district except for any residential dwelling, school, hospital, clinic, or other institutions for human care, except where incidental to the permitted use.

2. Automobile assembly.

3. Carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

4. Bakeries, except for those whose products are sold at retail only on the premises.

5. Welding or other metal working shops, excluding shops with presses over twenty ton rated capacity, drop hammers and the like.

6. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors, storage and sale of feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or draying service.

7. Carting, express, hauling or storage yards.

8. Circus, carnival or similar transient enterprise, provided such structures or buildings shall be at least two hundred feet from any R district.

9. Coal, coke or wood yard.

10. Cooperage works.

11. Creamery, bottling works, ice cream manufacturing wholesale, ice manufacturing and cold storage plant.

12. Enameling, lacquering or japanning.

13. Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.

14. Flammable liquids, not to exceed twenty-five thousand gallons, provided said tanks are placed in a manner that complies with visual barrier regulations. State of Iowa Fire Marshall regulations or applicable building code standards governing placement, whichever is a greater setback from property lines, shall be enforced. A dimensioned site plan shall be submitted to the Zoning Administrator showing compliance prior to building permit issuance. (Ord. 1007 1-12-16)

15. Junk, iron or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence, not less than six feet in height, completely obscuring the activity, but not including automobile, tractor or machinery wrecking or used parts yards.

16. Laboratories, experimental, film or testing.

17. Machine shop.

18. Manufacture of musical instruments and novelties.

19. Manufacture of assembly of electrical appliances, instruments and devices.

20. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns.

21. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment.

22. Milk distributing station other than a retail business conducted on the premises.

23. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.

24. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils.

25. The manufacture, compoundings, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and woods.

26. Buildings containing self-storage units.

(Amended 3-14-23 by Ordinance No. 1120)

SEC. 100.15.03 ACCESSORY USES. Accessory uses in the M-1 district shall be any accessory uses customarily accessory and incidental to a permitted principal use.

SEC. 100.15.04 HAZARDOUS OR OFFENSIVE USES PROHIBITED. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

SEC. 100.15.05 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Other Permitted Uses. No use or structure shall be located on a lot, which has less than the following minimum dimensions.

    a. Yard Frontage: 25 feet.*
    b. Yard Rearage: 40 feet.*
    c. Side Yard Width: None required except adjacent to an R district in which case not less than 25 feet.

        * For every additional foot the front yard depth is increased over twenty-five feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than eight feet; and in addition, if any portion of this rear yard area is used for an enclosed off-street loading space, the area above such an enclosure may be used for building purposes.

3. Maximum Structure Height. No building shall exceed four stories or fifty feet in height whichever is lower except as otherwise provided in exceptions and modifications of this chapter.

Section 100.16 M-2 Heavy Industrial District

SEC. 100.16.01 APPLICABILITY AND PURPOSE.

1. Regulations. The regulations set forth in this section shall apply in the M-2 industrial district.

2. Intent. The intent of the M-2 district is to provide areas for heavy industry that because of its location, transportation requirements, and demands on public services exerts a pronounced impact on the city.

SEC. 100.16.02 USES.

1. Buildings or premises in the M-2 district may be used for any of the following:

    a. Any heavy industrial use.
    b. Any permitted use in an M-1 district.

SEC. 100.16.03 RESTRICTIONS UPON USES.

1. No occupancy permits shall be issued for any dwelling, school, hospital, clinic or other institution for human care except for incidental to the permitted use.

2. Uses. Buildings or premises in the M-2 district may be used for any of the above, Section 100.16.02 a and b; however, no occupancy permits shall be issued for any use in conflict with any ordinance of Waverly or law of the State of Iowa regulating nuisances.

3. Special Provisional Uses. The following uses shall be subject to the requirements of special provisional uses. The requirements and additional uses can be found in Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

   a. Slaughterhouses or stockyards, storage and sale of livestock.

   b. Acid manufacture or wholesale storage of acids.

   c. Automobile, tractor, or machinery wrecking and used parts yards.

   d. Cement, lime gypsum or plaster of paris manufacture, concrete mixing, concrete products manufacture.

   e. Distillation of bones.

   f. Explosive manufacture, storage, or testing.

   g. Fertilizer manufacture.

   h. Garbage, offal or dead animal reduction or dumping.

   i. Gas manufacture and cylinder recharging.

   j. Glue, size or gelatin manufacture.

   k. Manufacturing, compounding, processing, packaging or treatment of fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils.

   l. Petroleum or its products, refining or wholesale storage.

   m. Rubber goods manufacture or storage.

   n. Sand or gravel pits.

   o. Smelting of tin, copper, zinc, or iron ores.

   p. Transmitting stations.

   q. Waste paper yard.

   r. Wholesale storage of gasoline.

SEC. 100.16.04 REQUIRED CONDITIONS.

1. Disposal of Refuse. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

2. Location. All flammable liquid storage tanks shall be located at least seventy-five (75) feet from any R district and placed in a manner that follows visual barrier regulations. State of Iowa Fire Marshall regulations or applicable building code standards governing placement, whichever is a greater setback from property lines, shall be enforced. A dimensioned site plan shall be submitted to the Zoning Administrator showing compliance prior to building permit issuance. (Ord. 1007 1-12-16)

SEC. 100.16.05 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Other Permitted Uses. No use or structure shall be located on a lot, which has less than the following minimum dimensions:

   a. Yard Frontage: 25 feet.

   b. Yard Rearage: 40 feet.

   c. Side Yard Widths: None required except adjacent to a R district in which case not less than 75 feet. (Ord. 1007 1-12-16)

3. Maximum Structure Height. No building shall exceed in height the distance measured to the center line of the nearest street from any portion of the proposed building or structure except as provided in exceptions and modifications in this chapter.

Section 100.17 PD - Planned Development District

SEC. 100.17.01 INTENT - APPLICABILITY

1. Intent. The Planned Development District is intended and designed to provide a means for the development of tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method. It is the intent of this Section that basic principles of good land use planning be maintained and that sound zoning standards be utilized in implementing this Ordinance, especially concerning population density, providing adequate light and air, preserving recreation and open space and insuring appropriate building placement.
2. Uses Permitted. The "PD" district shall permit the inclusion of multiple "R" district and "C" district land uses modified into a development providing for greater flexibility of land use, transportation elements, open spaces, architectural standards, building setbacks and building locations than the individual zoning districts would permit. The district is not to be used to circumvent "R" and "C" standards, but to follow recognized principles of civic design, land use planning, and building architecture resulting in creative mixed use developments.

SEC. 100.17.02 PROCEDURE

When an application for a Planned Development District as an amendment to the Zoning Ordinance is submitted for a particular parcel development, the following procedure shall be utilized to facilitate said amendment:

1. The owner of a parcel of land comprising an area of not less than five (5) acres shall submit an application and site development plan to change the zoning of said parcel to the "PD" Zoning District Classification.
2. The application and Site Development Plan shall be submitted by the owner to the City Zoning office for review and comment. City Staff shall review the conformity of the proposed development with the standards of the Comprehensive Plan and recognized principles of civic design, land use planning and architecture and offer comments in a response to the filings. Once the application and plan are finalized, City Staff shall place the application on the agenda of the Planning and Zoning Commission for public hearing and consideration by the Commission.
3. The applicant shall present the application and Site Development Plan to the Planning and Zoning Commission. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and architecture.
4. After notice and a public hearing, the Commission may recommend approval or disapproval of the Site Development Plan and zoning petition to the City Council as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this Ordinance to promote public health, safety and general welfare.
5. The Site Development Plan and zoning petition shall thereafter be placed on the agenda of the City Council with the Commission's recommendations. The City Council, after notice and public hearing, shall approve the Site Development Plan as an amendment to the Zoning Ordinance.

SEC. 100.17.03 REQUIRED DOCUMENTS – SITE DEVELOPMENT PLAN

1. A site analysis showing a review of topography, patterns, existing vegetation, sanitary sewer and water service, and major street connections.
2. A schematic at 1" = 50' minimum showing:
   a. Buildings with height and exterior design of typical structures and the number of dwelling units in each zone
   b. Zoning district classification boundaries within the development
   c. Parking areas
   d. Access drives and sidewalks
   e. Streets abutting or within the proposed development
   f. Required peripheral yards and/or required visual barriers
   g. Common land, recreation areas and parks
   h. Existing and proposed utilities and public easements
   i. Development stages and timing
   j. All proposed walls and fences
   k. Surface water drainage accommodations, including consideration of adjoining properties
   l. Proposed signs and their location

m. Lighting facilities and their location

n. Name of property owner or owners, legal description of the property, point of compass, scale and date

SEC. 100.17.04 ALTERNATIVE APPROVAL PROCESS

Full development of a Site Development Plan that complies with Section 100.17.03 may involve substantial effort and financial investment without guarantee of approval. In order to determine if the Staff, Commission and Council are supportive of the Planned Development concept being proposed without completing a full Site Development Plan, the applicant may choose to use this two-step process:

1. The applicant shall submit an application for zoning change to PD District with a preliminary site plan showing the layout of streets, types of development, access drives, and a legal description of the entire property. The Commission shall consider the application for their recommendation on the rezoning of the land only. This requires a public hearing. The rezoning of the land only is then submitted to the City Council after review and recommendation by the Planning and Zoning Commission. This requires a public hearing. The City Council only considers the zoning change. While the zoning change is preliminarily approved by this procedure, the zoning change becomes effective only upon approval of the final Site Development Plan.
2. The final Site Development Plan shall then be submitted for staff review, Commission recommendation and City Council consideration, including a second public hearing at each level, for the final approval of the Site Development Plan. The final Site Development Plan must be approved by Council as an amendment to the Zoning Ordinance before any development can occur and before construction of any public infrastructure.

SEC. 100.17.05 SITE PLAN AMENDMENTS

1. Major

   Proposed major amendments shall be administratively reviewed by City planning staff. Any major change in the site plan deemed to be substantial after the Council has approved the Site Development Plan shall be resubmitted and considered in the same manner as the original site plan. The amended site plan shall be prepared in accordance with this Section.

   Examples of major changes may include, but are not limited to the following: changes in density, changes in classification of land as assigned on the approved Site Development Plan, exterior street connections or major traffic changes.

2. Minor

   Proposed minor amendments shall be administratively reviewed by the Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

   Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage; change in use of a site to another similar use classified in the same zoning district; minor change in building locations; or minor changes in the locations of access, driveways, or parking areas. Minor changes may include additions to an existing building which do not increase the floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to and new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. Minor changes may also include a change in the location or type of residential structure(s) as long as the overall density (units per acre) is not significantly increased by more than what was previously approved.

If staff determines that any proposed change is significant in nature or could become significant in nature, it shall be deemed major and shall be resubmitted and considered in the same manner as the original site plan review procedure, including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

SEC. 100.17.06 REQUIRED STANDARDS FOR ALL PLANNED DEVELOPMENTS

1. All public improvements, including dedicated streets, water mains, sanitary sewers, storm sewers and parks shall be subject to the acceptance and approval of the City Council.
2. No building permit for any building or other structure within the development shall be issued until the final Site Development Plan is approved by the City Council.
3. The parking requirements of the Zoning Ordinance shall apply to all planned developments, except the City Council may, after recommendation from the Commission, alter those requirements consistent with the intent and purpose of this Ordinance.
4. The minimum yard requirements of the respective zoning districts included within the Site Development Plan shall apply unless specifically altered by the Plan. Consideration should be given to keeping the required yard setback requirements compatible and/or similar to adjacent properties provided around the boundary of the development. However, the Commission and City Council may require additional setbacks or other requirements if needed.
5. The maximum building height within the development boundaries shall not exceed the maximum height regulations of its underlying zoning district, except for development at least one hundred (100) feet from the boundaries of adjoining property, Council may, after recommendation from the Planning and Zoning Commission, alter these requirements.

SEC. 100.17.07 LAND USE RESTRICTIONS

The Commission or City Council may require land use restrictions or covenants by the developer concerning the use of common land for permanent open spaces. Common land as herein contained shall include land dedicated for public park use and land retained in private ownership but intended for the use of residents of the development and the general public.

SEC. 100.17.08 COMMENCEMENT AND COMPLETION

The Council may condition the approval of the Site Development Plan upon the developer commencing construction of the development within one (1) year and contingent upon completion of construction and improvements within a reasonable period of time after Council approval. In determining such time period, the Council shall consider the scope and magnitude of the development. Failure to meet these requirements shall be deemed sufficient cause for the Council, in accordance with the provisions of this Ordinance to rezone the subject property to the zoning classification effective at the time of the original submittal of the petition unless an extension is approved by the Council for due cause shown after recommendation by the Commission.

SEC. 100.17.09 LAND USAGE

The permitted land usage, minimum lot area, yard height, and accessory uses shall be determined by the approved Site Development Plan, which shall prevail over conflicting requirements of the Zoning Ordinance or the Subdivision Ordinance.

SEC. 100.17.10 PLATTING REQUIRED

If platting is required and a final plat has not been approved and recorded on any part or portion of the development, the platting procedure must be followed in accordance with the City of Waverly Subdivision Ordinance on all portions or parts not platted. The Site Development Plan can be considered as a preliminary plat if it meets the preliminary plat requirements.

Ord. 1027 11/28/17

Section 100.18 U-1 Environmentally Sensitive Protected District

SEC. 100.18.01 APPLICABILITY AND PURPOSE.

1. Regulations. The regulations set forth in this chapter shall apply in the U-1 environmentally sensitive protected district.

2. Intent. The intent of the U-1 district is to identify those portions of the city that contain environmentally sensitive areas due to adverse soil or drainage way characteristics and thus are best suited for preservation as open space or buffers between land uses and are primarily unsuitable for structural development.

SEC. 100.18.02 PERMITTED USES. Principal permitted uses in the U-1 district shall be as follows:

1. Agriculture and the usual agricultural building and structures.

2 Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres.

3. Airports and landing fields.

4. Forest and forestry.

5. Parks, playgrounds, golf courses, both public and private and recreational uses including boat ramps and docks, nature trails, bike paths, and jogging paths.

6. Railroad right-of-way.

7. Dwellings on existing lots of record.

SEC. 100.18.03 SPECIAL PROVISIONAL USES. The following uses shall be subject to the requirements of special provisional uses. The requirements and additional uses can be found in Section 100.21.09. (amended Ordinance 1151, adopted 08/19/24; Published 08/27/24)

1. Amusement enterprises, such as race tracks, carnivals, circuses, rides, and shows for temporary activities only.

2. Any use erected or maintained by a public agency.

3. Parking facilities.

4. Transmitting stations.

5. Depositing of noncombustible materials for land fill purposes, stabilization or erosion control.

SEC. 100.18.04 ACCESSORY USES. Accessory uses in the U-1 district shall be as follows:

1. Incidental. Accessory buildings and uses customarily incidental to any of the above uses.

SEC. 100.18.05 DIMENSIONAL REQUIREMENTS.

1. General. The dimensional requirements described in this section shall constitute the minimum requirements governing all uses and structures identified with such uses, provided they are regulated pursuant to this chapter and no stricter departmental design standards or general requirements specified for any such use or structure is applicable.

2. Minimum Lot Dimensions. No lots within an U-1 district shall have dimensions less than the following dimensions:
   a. Other Permitted Uses. No use or structure shall be located on a lot, which has less than the following minimum dimensions:
      (1) Yard Frontage: 50 feet.
      (2) Yard Rearage: 50 feet.
      (3) Side Yard: 50 feet.

   b. Dwellings. No dwelling shall be located on a lot which has less than the following minimum dimensions:
      (1) Lot Area: 9,000 square feet.
      (2) Lot Area (Per Family): 9,000 square feet.
      (3) Lot Width: 80 feet.
      (4) Yard Frontage: 25 feet.
      (5) Yard Rearage: 30 feet.
      (6) Least Width on Any One Side: 10 feet or 10% of the lot width whichever is less.

   c. Maximum Structure Height. Any building erected or structurally altered after the effective date of the ordinance codified in this chapter may be erected to any height consistent with an R-1 district unless recommended by the planning and zoning commission and approved by the city council to exceed them.

Section 100.19 Off-Street Parking and Loading Zones

SEC. 100.19.01 OFF-STREET LOADING SPACES REQUIRED WHEN.

1. Loading Space. In any district, except the C-3 commercial district, in connection with every building or part thereof erected after the effective date of the ordinance codified in this chapter, having a gross floor area of ten thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each twenty thousand square feet or major fraction thereof of gross floor area so used in excess of ten thousand square feet.

2. Width. Each loading space shall be not less than ten feet in width.

3. Located. Such space may occupy all or any part of any required yard or court space or as specifically provided in the district in which it is located.

SEC. 100.19.02 OFF-STREET PARKING AREA REQUIREMENTS.

1. Parking. In all districts, except the C-3 commercial district, in connection with every industrial, commercial, business, trade, institutional, recreation, or dwelling use and similar uses, space for parking and storage of vehicles shall be provided for each permitted use in accordance with the following schedule. However, no parking area required by this section shall be less than one thousand square feet in area except in the case of dwellings and retail stores and shops under one thousand square feet.

   a. Automobile sales and service garages. Fifty percent of floor area.

   b. Automotive service stations. Two spaces for each gas pump, plus three spaces for each enclosed garage stall.

   c. Offices. Banks, business and professional offices. Seventy-five percent of floor area.

   d. Bowling alleys. Five spaces for each alley.

   e. Churches. One space for each six seats in the principal auditorium.

   f. Dance halls and assembly halls. Two hundred percent of floor area used for dancing or assembly.

   g. Dwellings:
      (1) One and two family dwellings. Two spaces for each family or dwelling unit.
      (2) Multiple dwellings. One space for each efficiency (studio) unit, one and one-half space for each one bedroom unit, two spaces for each two or more bedroom unit.
      (3) Multiple dwellings for the elderly. Three-quarters space per unit.
      (4) Outside parking spaces in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet per space. Enclosed parking stalls in the R-3 and R-4 Multi-Family Districts shall contain a minimum of 240 square feet and a maximum of 340 square feet per stall.

   h. Funeral homes and mortuaries. One parking space for each five seats in the principal auditorium.

   i. Furniture and appliance stores and household equipment or furniture repair shops over two thousand square feet of floor area. Fifty percent of floor area.

   j. Hospitals. One and one-fifth space for each bed.

   k. Hotels and motels. One space for each rentable unit plus one-half space for each employee.

   l. Manufacturing plants. One space for each two employees on the maximum working shift.

   m. Factory built home park. Two spaces for each factory built home unit.

   n. Nursing, convalescent, and retirement homes. One space for each four beds plus one-half space for each employee, plus one space for each two residents.

   o. Restaurants, beer parlors and nightclubs with over one thousand square feet floor area. Two hundred percent of floor area.

p. Retail stores, supermarkets, etc., with over two thousand square feet floor area. Two hundred fifty percent of floor area.

q. Retail stores, shops, etc., under two thousand square feet. One hundred percent of floor area.

r. Schools. One space for each four seats in the principal auditorium.

s. Sororities, fraternities, and lodging houses. One space for each three hundred square feet of gross floor area.

t. Sports arenas, auditoriums other than in schools. One space for each three seats.

u. Theaters and assembly halls with fixed seats. One parking space for each three seats.

v. Wholesale establishments or warehouses. One space for each two employees.

2. Other Uses. In case of any building, structure or premises, the use of which is not specifically mentioned herein, and provisions for a use which is so mentioned and to which said use is similar, shall apply.

SEC. 100.19.03 ACCESS DRIVE REQUIRED WHEN - EXCEPTION. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight feet in width in the case of a dwelling, and not less than sixteen feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use permitted in a residence district, such easement of access or access drive shall not be located in any
residence district.

SEC. 100.19.04 PARKING AREA DEVELOPMENT AND MAINTENANCE REQUIREMENTS. Every parcel of land hereafter used as a public or private parking area after the effective date of the
ordinance codified in this chapter, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. Setback. No part of any parking space shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins an R district, it shall be set back at least five feet from the R district boundary and shall be effectively screen-planted.

2. Surfacing. Any off-street parking area, including any commercial parking lot, for more than five vehicles, or any lot next to a residentially zoned district, shall be surfaced with an asphaltic or portland cement binder pavement or such other equivalent surfaces as approved by the public works director so as to provide an all dust free surface, shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

3. Lighting. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any R district.

SEC. 100.19.05 DISTRICT ABUTTING C OR M DISTRICT -- OFF STREET PARKING LOT REQUIREMENTS. In any R residence district abutting a C or M district off-street parking lots shall be permitted in accordance with the following requirements:

1. Distance. Said off-street parking lot shall not extend further than two hundred feet into an R residence district or to the nearest street, whichever is closer.

2. Yards. Off-street parking lots located in an R residence district shall provide front and side yards in accordance with the district in which it is located; provided, that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area, provided, further, that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.

3. Screen. Off-street parking lots in any R residence district shall provide a permanent fence or shrubbery screen on all side yards of the abutting R residence district. Such screen to be located in the provided side yard.

3. Surfacing. Off-street parking lots in any R residence district shall be developed with an asphaltic or portland cement binder pavement or such other equivalent surface as approved by the public works director, provided that such parking lots shall be maintained in an orderly manner free from refuse or debris.

4. Lighting. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.

Section 100.20 Filling Stations, Public Garages, and Parking Lots

SEC. 100.20.01 VEHICLE ENTRANCE OR EXIT PROHIBITED WHERE. No gasoline filling station, a commercial customer or employee parking lot for twenty-five or more motor vehicles, or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

SEC. 100.20.02 FILLING STATION OR GARAGE PROHIBITED WHERE. No gasoline filling station or public garage shall be permitted where any oil-draining pit or fuel-filling appliance is located within twelve feet from any R district, except where such appliance or pit is within a building.

Section 100.21 Exceptions and Modifications

SEC. 100.21.01 APPLICABILITY. The regulations specified in this chapter shall be subject to the exceptions and interpretations set forth in this chapter.

SEC. 100.21.02 USE OF EXISTING LOTS OF RECORD. In any district where dwellings are permitted, a single family dwelling may be located on any lot or plot of official record as of the effective date of the ordinance codified in this chapter respective of its area or width; and in addition, any two family dwelling may be located on any lot or plot in an R-2 residence district that has a lot width of not less than sixty feet and is of official record as of the effective date of the ordinance codified in this chapter; provided, however:

1. Side Yard. The sum of the side yard widths of any such lot or plot shall not be less than ten feet, but in no case less than five feet, for any one side yard.

2. Rear Yard. The depth of the rear yard of any such lot need not exceed twenty percent of the depth of the lot, but in no case less than ten feet.

3. Lesser Requirement. In the case of a lot of record where the above requirements are greater than those of the district in which it is located, the lesser requirement shall apply.

5. Setbacks. In the case of building setback lines established on lots of record, as of the effective date of the ordinance codified in this chapter, such setback lines may apply in lieu of those required by this chapter unless existing adjacent building setbacks are greater than specified on the plat of record, in which case the provisions of Section 100.4 shall apply.

SEC. 100.21.03 BUILDING HEIGHT LIMITATION - EXCEPTIONS. The building height limitation of this chapter shall be modified as follows:

1. Structure Appurtenances. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the city.

2. Buildings.
   a. Public, semipublic or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding sixty feet and shall be allowed an additional story per the respective zoning district.

      Churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five feet if the building is set back from each property line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

3. Dwelling. Single family dwellings and two family dwellings in the dwelling districts may be increased in height by not more than ten feet when two side yards of not less than fifteen feet each are provided, but they shall not exceed three stories in height.

SEC. 100.21.04 LOTS WITHOUT SEWAGE FACILITIES - LOT AREA REQUIREMENTS. In any district where neither public sanitary sewers or a private sanitary sewage treatment system serving three or more lots is accessible, the lot area requirement shall be one acre.

SEC. 100.21.05 DOUBLE FRONTAGE LOTS - FRONT YARD REQUIREMENTS. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.

SEC. 100.21.06 COMPUTATION OF REAR AND SIDE YARDS. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half of the alley width may be included as a portion of the rear or side yard as the case may be.

SEC. 100.21.07 YARD REQUIREMENTS - EXCEPTIONS.

1. Obstructions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twenty-four inches.

2. Structures on Property Lines. Residential fences or landscape features such as sculpture or walls may be erected or constructed up to the property lines. Fences can be three feet in height in the front yard and six feet in height in the

rear yard. In the case of a corner lot, if the side yard of a corner lot is the longer street side, then the fence may be six feet in height.

3. Structure Exteriors. In the C-3 commercial districts, signs, overhangs, and marquees may extend over street right-of-way lines provided the erection of such signs, overhangs and marquees is in accordance with the provisions of the building code.

4. Multiple Dwellings. In all districts providing for condominium dwellings or row dwellings, the front, rear and side yard requirements of this chapter shall apply to the building and shall not be required for each individual unit.

5. In R-1 and R-2 Districts, non-conforming buildings (as result of yard requirements) on existing lots of record may be altered, providing such alteration conforms with current district regulations or does not further increase the non-conformance of the original building.

6. Replacing Non-Conforming Damaged Buildings. Any non-conforming building in R-1, R-2, R-3 and R-4 Districts (as a result of yard requirements) on existing lots of record demonstrated to the City Administrator or their designee as damaged beyond fifty (5) percent of its replacement value by rot, decay, fire, explosion, war, riot or act of God, shall be allowed to be restored at the current setback within the same footprint at the time of such happening after filing a building permit application for review and approval.
(Ord 964 12/17/12)

7. Decks. Decks that are unenclosed and without a roof may extend into a front yard setback five (5) feet and up to a maximum of five (5) feet wide. On corner lots, decks that are unenclosed and without a roof may extend into a rear yard setback ten (10) feet but in no case closer than ten (10) feet from the rear property line. In all cases, decks shall not encroach on any recorded easement.

8. Steps. Any steps of enclosed or unenclosed decks, porches, stoops, or other entryways, may extend into a required setback but not within five (5) feet of any property line and shall not encroach on any recorded easement.

9. Window Wells. Egress window wells may extend into required front side and rear yard setbacks, but not within five (5) feet of any property line. In all cases, said wells shall not encroach on any recorded easement.
(Ord. 1009 2/16/16)

SEC. 100.21.08 OPEN PORCH ENCLOSURE PERMITTED WHEN. An existing open porch may be remodeled or rebuilt to an enclosed nonhabitable vestibule entrance way, which may include closet space, when projecting not more than one-fourth the distance of the front yard setback and extending in width not more than one-fourth of the width of the residence.

SEC. 100.21.09 SPECIAL PROVISIONAL USES (amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)

1. Permit. A special provisional use permit is required for the following uses in any district.
   a. Government Facilities. Any public building erected and used by a department of the city, township, county, state or federal government unless the facility is consistent with the permitted use in the district.
   b. Schools. Public and private schools.
   c. Religious Institutions.
   d. Hospitals.
   e. General., nonprofit fraternal purposes, institutions of a philanthropic or charitable character, and clubs unless the use is consistent with the permitted use in the district.

f. Utilities. Any major or minor utility which requires an outside enclosed area larger than 120 square feet in area or taller than 45 feet to house utilities. This shall exclude essential services which do not propose an outside enclosed area.
g. Recreational field.
h. Cemeteries.
i. Mining and extraction of minerals or raw materials.
j. Airports and landing fields.
k. Circus, carnival, racetracks or similar transient enterprises.
l. Funeral homes, mortuaries, crematoriums.
m. Daycare facilities.

2. The special provisional use is approved by the Board of Adjustment with a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing with the same requirements as Section 100.24.03. This shall include publishing the notice in a local newspaper and mailing the notice to all property owners within 250 feet. A request of waiver for the public notification requirements may be submitted to the City Administrator for uses that may require anonymity.
3. Approval of a special provisional use expires after 1 year unless a building permit and site plan have been approved the City of Waverly.
4. Any modifications to the original special provisional use structure either by increasing the structure size beyond 25% of the original gross floor plan or proposed changes to previously approved conditions of approval by the City shall require an amendment to the special provisional use. The amendment process shall be the same as the original approval.
5. The special provisional use goes with the land, not ownership. The ownership may change and not require a new special provisional use if the use remains the same.
6. The special provisional use expires one year after the use has ceased operations.

(amended by Ordinance 1151, adopted 08/19/24; Published 08/27/24)

SEC. 100.21.10 MODIFICATION OF REAR YARD BUILDING SETBACK LINES.
For any lot where the rear yard adjoins a golf hole (tee, fairway, green, adjacent rough or other landscaped area) of Centennial Oaks Golf Club Addition to Waverly, Iowa, or the Waverly Municipal Golf Course, the rear yard building setback lines of such adjoining lot shall be a minimum of 20 feet.

Section 100.22 Occupancy Permits

SEC. 100.22.01 WHEN REQUIRED.
1. Use. No land shall be occupied or used, and no building erected or structurally altered after the effective date of the ordinance codified in this chapter shall be occupied or used in whole or in part for any purpose whatsoever until a certificate is issued by the Zoning Manager and/or Building Official, stating that the building and use comply with the provisions of this chapter and the building and health ordinances of Waverly. No change of use shall be made in any building or part thereof erected or structurally altered now or without a permit being issued therefore by the Zoning Manager and/or Building Official. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter.

2. Continuance of Nonconforming Use. Nothing in this chapter shall prevent the continuance of a nonconforming use as herein authorized, unless a discontinuance is necessary for the safety of life or property.

SEC. 100.22.02 APPLICATION AND ISSUANCE. Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Manager and/or Building Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

SEC. 100.22.03 TEMPORARY PERMIT. A temporary occupancy certificate may be issued by the building inspector for a period not to exceed sixty days for erection in substantial completion.

SEC. 100.22.04 EXCAVATION AND BUILDING PERMITS -- CERTIFICATE OF OCCUPANCY APPLICATION REQUIRED FOR ISSUANCE. No permit for excavation or the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy and compliance; and no building or premises shall be occupied until that certificate and permit is issued.

SEC. 100.22.05 NONCONFORMING USES -- CERTIFICATE OF OCCUPANCY REQUIRED -- APPLICATION. A certificate of occupancy shall be required of all nonconforming uses. Application for certificate of occupancy for nonconforming uses shall be filed within twelve months
from the effective date of the ordinance codified in this chapter, accompanied by affidavits of proof that such nonconforming use was not established in violation of this chapter or amendment thereto.

Section 100.23 Plat Specifications

SEC. 100.23.01 PLAT. Each application for a building permit shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this chapter. A record of application and plats shall be kept in the office of the Zoning Manager and/or Building Official.

Section 100.24 Amendments

SEC. 100.24.01 AUTHORITY. The city council on its own action or on petition, after public notice and hearings as provided by law and after report by the planning and zoning commission may amend, supplement, or change the boundaries or regulations herein or subsequently established.

SEC. 100.24.02 APPLICATION. Whenever any person, firm or corporation desires any amendment to this ordinance an application requesting such amendment shall be filed with the city clerk. The application shall be on forms furnished by the city clerk and shall include the following provisions:

1. Description and Zoning. A legal description of the property and boundaries indicating the present zoning and requested zoning.

2. Owners Signatures. The signatures of the owners of 50% of the area of all real estate included within the boundaries of said tract as described in the application.

3. Plat. A plat showing the name and address of all owners of record (as found in the County Assessor's records) of all property lying within 250 feet of the boundaries of the proposed property to be rezoned.

4. Development Plan. If the application is requesting "S-1" shopping center district or "PD" planned development district, it shall also have attached to it the proposed development plan.

5. Fee. A rezoning nonrefundable application fee as set by resolution of the city council.

SEC. 100.24.03 PLANNING AND ZONING COMMISSION CONSIDERATION. An application for rezoning shall be considered by the planning and zoning commission at its regular meeting next held consistent with the notice requirements of the hearing. The city clerk shall publish notice of such hearing in a local newspaper, not less than 7 or more than 20 days, prior to the date of the hearing. In addition the clerk shall mail notice of the hearing to all property owners within 250 feet as shown on the plat submitted with the rezoning application, at least seven (7) days prior to the hearing which notice shall contain a description of

the property proposed to be rezoned, the present, and requested zoning classification. Within forty-five (45) days of the public hearing, the commission shall act upon the rezoning application by resolution and shall forward a notice of their action to the city council.

SEC. 100.24.04 PROTEST. A protest may be presented duly signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent or in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots. A favorable vote of at least three-fourths (3/4) of all members of the city council shall be required to approve a rezoning request which has been subject of such a protest or which has been disapproved by the zoning commission.

SEC. 100.24.05 CITY COUNCIL CONSIDERATION. A rezoning application shall be considered as a proposed amendment to the zoning ordinance and shall be subject to all provisions pertaining to readings of ordinances. After receiving the recommendation of the zoning commission, the city council shall consider a rezoning application as a first reading of an ordinance amendment. After the reading the council may reject further consideration of the rezoning or may establish a public hearing to be held as the second reading of the ordinance amendment. The city clerk shall publish notice of the public hearing in a newspaper of the city not less than seven (7) days or more than twenty (20) days in advance. In no case shall said public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. The council shall hold a third reading, unless waived, at which time final action on the rezoning ordinance amendment shall be considered.

SEC. 100.24.06 RECONSIDERATION. An amendment to the zoning ordinance which has been disapproved by the city council shall not be subject to reconsideration until twelve (12) months from the date of initially filing the rezoning application. At anytime prior to final consideration by the city council a rezoning application may be withdrawn without being subject to the above time restrictions for reapplication.

SEC. 100.24.07 PUBLICATION. A rezoning amendment approved shall be effective upon the publication of the ordinance amendment and as such shall constitute an official amendment to the official zoning map. The map or portion of said map however need not be published.

Section 100.25 Violation and Penalties

SEC. 100.25.01 VIOLATION -- PENALTY. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter upon conviction shall be fined not more than one hundred dollars for each offense. Each day that a violation is permitted to exist constitutes a separate offense. The Zoning Manager and/or Building Official is designated and ordered to enforce this chapter.

SEC. 100.25.02 ENFORCEMENT AUTHORITY. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Manager and/or Building Official, in addition to other remedies, shall institute any proper action or proceedings in the name of the city to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

SEC. 100.26 SIGN REGULATIONS.

A. Purpose:

The regulations in this ordinance establish comprehensive minimum requirements for the control of signs in order to preserve, protect and promote the public health, safety, morals and general welfare. More specifically, this ordinance is intended to assist in achieving the following objectives:

1. To authorize the use of signs which are:
   a. compatible with their surroundings and the zoning district;
   b. appropriate to the type of activity;
   c. expressive of the identity of the proprietors; and
   d. legible in the circumstances.

2. To foster high quality commercial development and to enhance the economic vitality of existing businesses by promoting the reasonable, orderly, and effective display of signs, and to encourage better communication with the public.

3. To encourage sound, proper display practices and to mitigate the objectionable effects of competition in respect to the size and placement of signs.

4. To enhance the physical appearance of the City of Waverly by protecting the man-made and natural beauty of the area.

5. To protect pedestrians and motorists from damage or injury that might result from improper construction, placement, or use of signs.

6. To protect the public by reducing the obstructions and distractions which might cause traffic accidents.

7. To preserve the value of private property by assuring the compatibility of signs with nearby land uses.

8. To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.

9. To preserve and enhance the natural beauty and unique character of the City of Waverly.

10. To promote convenience, enjoyment, and free flow of traffic within the City of Waverly.

11. To protect the public's ability to identify uses and premises without confusion.

B. Definitions. For the purposes of this Section, certain terms and words pertaining to signs are defined as follows:

1. Accessory Sign. A sign relating only to uses of the premises on which the sign is located, or products are sold, or services offered on the premises on which the sign is located, or indicating the name or address of a building, or the occupants or management of a building of the premises where the sign is located. See "Off-Premise Sign" definition.

2. Address Sign. A sign posted in conjunction with doorbells or mailboxes showing only the numerical address and/or the occupants of the premises upon which the sign is situated.

3. Awning. Any retractable structure made of cloth, metal, or other material attached to building; erected to permit raising or retracting to a position against the building when not in use. If the sign is on an awning, then only the awning area covered by the actual lettering or symbol shall be used in calculating the sign area. If the awning is illuminated then the entire lit area shall be included in computing the sign area.

4. Banner Sign. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by permanent frame at one or more edges.

5. Bench Sign. A sign painted or attached to a seating bench.

6. Billboard Sign. A sign structure designed for the posting of changeable graphics or reading matter advertising a product, place, activity, person, profession, service institution or business located upon property other than the premises on which the sign is located. This definition includes the term 'display board'.

7. Building Code. The Uniform Building code promulgated by the International Conference of Building Officials.

8. Building Official. The officer or other designated authority charged with the administration and enforcement of the Building Code in the City of Waverly.

9. Bulletin Board. A sign used for the temporary posting of meeting or event notices.

10. Canopy. A structure (other than an awning) designed to cover or shade windows, entries, or walkways made of cloth, vinyl, canvas, or other similar material with frames.

11. Combination Sign. A sign incorporating any combination of the features of freestanding, projecting, and roof signs.

12. Curbline. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the jurisdiction's engineer.

13. Directional Sign. A sign designed for the purpose of assisting traffic control, that is located on private property and limited to no more than three (3) feet in height, nor six (6) square feet in area.

14. Driveway. A private access to either a private or public street, road, alley, highway, or freeway.

15. Flag Sign. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivision, or other entity.

16. Flashing Sign. A sign containing electrical wiring and lighting where the light produces a flashing or strobe effect. A flashing sign shall be affixed to a permanent structure and shall have at least ten (10) feet of clearance above the sidewalk, street, or ground. This term excludes signs illuminated by an exterior light source.

17. Freestanding Sign. A sign that is supported by one (1) or more uprights, columns, pole, pylons, or braces in or upon the ground and not attached to any building or wall. This term shall also apply to those signs having their framework permanently embedded in the ground.

18. Home Occupation Sign. A sign or nameplate limited to the display of the occupant and/or the name of the home occupation. The sign shall not exceed two (2) square feet in area, shall not be illuminated, shall be affixed to the main structure, or shall be visible through a window, and shall be limited to one (1) per home.

19. Legal Setback Line. A line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.

20. Marquee Sign. A sign which is a permanent roofed structure attached to and supported by the building and projecting over public property.

21. Memorial Sign. A sign dedicated to an historical event, figure, or person.

22. Monument Sign. An identification device permanently embedded in the ground, upon which is affixed only the name and/or symbol of a particular neighborhood, subdivision, municipality, commercial or industrial development.

23. Mural Sign. See "Wall Sign" definition.

24. Non-combustible. A term when applied to building construction material means a material which, in the form it is used, is either of the following:
    a. Material of which no part will ignite and burn when subjected to fire. Any material conforming to the Building Code. Specifically, U. B. C. Standard Number 4-1 shall be considered non-combustible within the meaning of the section.
    b. Material having a structure base of non-combustible material as defined in "a" above, with a surfacing material not over one-eighth (1/8) inch thick that has flame-spread rating of fifty (50) or less. "Non-combustible" does not apply to surface finish materials.

25. Non-structural Trim. The molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways that are attached to the sign structure.

26. Off-Premise Sign. A sign displaying or drawing attention to a product, place, activity, person, profession, service institution, or business located upon property other than the premises on which the sign is located. Except for temporary signs advertising special events or projects and government entity signs, off-premise signs are not permitted.

27. Pennant Sign. Any lightweight plastic, fabric, or other material (whether or not containing a message of any kind) suspended from a rope, wire, or string, usually in series, designed to move in the wind.

28. Plastic Material, Approved. Shall be those materials having a self-ignition temperature of six hundred fifty (650) degrees Fahrenheit or greater and a smoke-density rating not greater than four hundred fifty (450) degrees when tested in accordance with U. B. C. Standard Number 55-2. Approved plastics shall be classified and shall meet the requirements for CC1 or CC2 plastic.

29. Pole Sign. See "Freestanding Sign" definition.

30. Political Sign. A political sign means an outdoor sign of a temporary nature erected for the purpose of soliciting votes or support for, or in opposition to, any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question or issue on the ballot in an election held under the laws of the State of Iowa.

31. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs are not permitted unless specifically authorized for temporary use by the Zoning Manager and/or Building Official. Said sign shall be permitted for ninety (90) days in any consecutive twelve (12) month period.

32. Projecting Sign. A sign supported by a building or other structure which projects over any street, sidewalk, alley, or public way or public easement, or which projects more than twelve (12) inches from the face of the building, structure or supporting wall, excluding canopies, awnings, and marquees. No projecting sign shall project from the face of the building or structure over a street, alley or other public space, beyond a line drawn perpendicular from a line two (2) feet inside the curbline. This definition includes signs and structures that are perpendicular and parallel to the building or other supporting structure. Those projecting signs that are perpendicular are limited to twenty (20) square feet in area, while those projecting signs that are parallel shall not exceed twenty-five (25) percent of the surface area of any store wall to which the sign is affixed. In either case, a projecting sign shall have at least ten (10) feet of clearance above the sidewalk, street, or ground.

33. Regulatory Sign. Traffic and other municipal signs, legal notices, railroad crossings, danger, and other such necessary, temporary, emergency, or non-advertising signs.

34. Road or Street.
    a. City Street: Any throughway having a public right-of-way which is designed to channel or circulate vehicular and pedestrian traffic. The term "street" may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way. The types, or classifications, of streets are defined in Section 100.2.117 in the Waverly Municipal Code.
    b. County Road: Any road or street owned, operated, and maintained by Bremer County.
    c. Main-Traveled Way: The portion of the roadway for movement of vehicles on which through traffic is carried exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways, or parking areas.
    d. Primary Highway: The entire primary system as officially designated, or as may hereafter be so designated by the State Department of Transportation. United States (U.S.) Highway 218 and State Highway 3 are classified by the State Department of Transportation as "primary highways" within the City of Waverly.
    e. Private Street. Any privately-owned road, street, or driveway.

35. Roof Sign. A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building. Said roof sign shall not be larger than forty (40) square feet in area.

36. Sign. An identification, description, illustration, or device that is affixed to, or represented on a building, structure, or parcel of land and that directs attention to a product, place, activity, person, profession, service, institution, or business.

37. Sign Area. That area within a line including the outer extremities of all letters, figures, characteristics or delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. When the irregularity of a sign shape warrants, such area shall include the extreme points or edges of the sign. The support for the sign background, whether it be columns, pylons, or a building or part thereof, shall not be included in the sign area, unless said building part provides back-lighting for sign lettering and then said back-lit portion will be calculated as part of the sign area. Only one (1) side of a double-faced sign shall be included in the computation of sign area

.

38. Sign Structure. Any structure that supports or is capable of supporting a sing as defined in this section. A sign structure may be one or more poles, beams, and/or frames, and may or may not be an integral part of the building.

39. Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

40. Temporary Sign. A sign or advertising device intended to be displayed for a limited time period typically identifying construction, community or civic projects, show homes, or other special events on a temporary basis. Said sign shall not exceed thirty-two (32) square feet in area. Said sign shall be permitted for ninety (90) days in any consecutive twelve (12) month period.

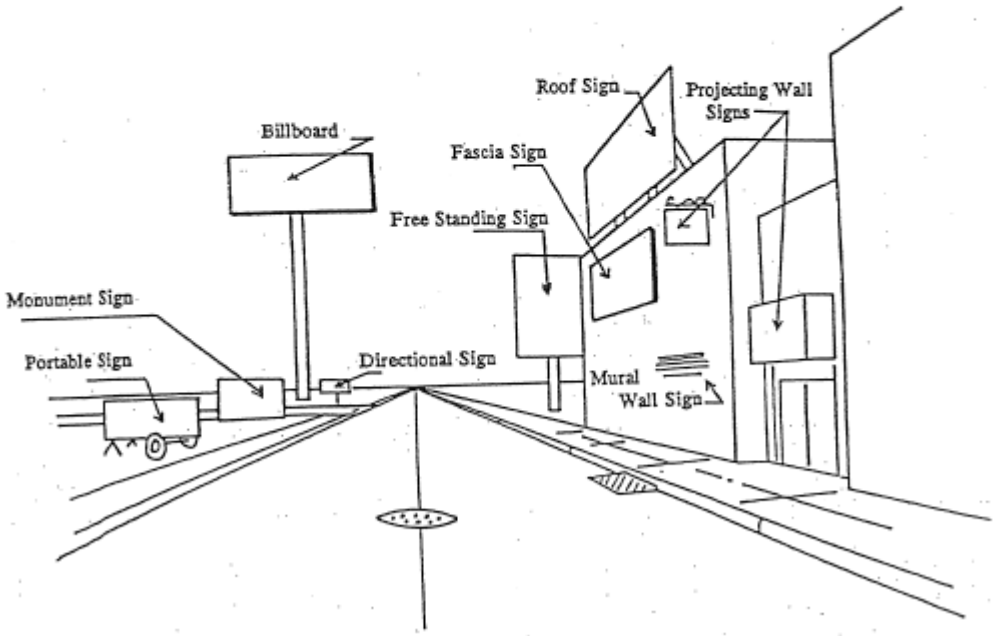
41. U.B.C. Standards. The Uniform Building Code Standards volume, promulgated by the International Conference of Building Officials.

42. Wall Sign. A sign other than a roof sign that is supported by a building or wall. Such a sign shall not project, in height, beyond the peak of said building or wall more than one- third (1/3) of the sign's longest dimension. Signs surpassing said peak projections shall be designated as roof signs. Wall signs shall not exceed twenty-five (25) percent of the surface area of any wall to which the sign is affixed.
    a. Canopy wall sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window, or outdoor service area.
    b. Facial wall sign. A single-faced building or wall sign that is parallel to its supporting wall and not extending more than twelve (12) inches from a building or wall.
    c. Mural wall sign. A graphic illustration or presentation that is painted or otherwise applied to a building, wall, or facade.

    d. Projecting wall sign. A sign that is attached to and projects more than twelve (12) inches from the face or wall of a building.

Figure 1. See **Sign Type Sketch** on the following page:

Figure 1. Sign Type Sketch.



43. Zoning Manager. The officer or other designated authority charged with the administration and enforcement of the Zoning Code in the City of Waverly.

C. Signs: General Regulations.

1. All signs permitted herein shall be contained entirely upon private property; set back from existing and proposed public right-of-way.

2. No sign shall be permitted within the line of sight triangles formed at the intersection of a public right-of-way with an access, driveway, or alley; nor shall any sign be permitted within the line of sight triangles formed at the intersection of two (2) rights-of-way, with two (2) sides of the respective triangles being measured in length along the state boundaries measured from their point of intersection, and the third side being a line connecting the ends of the two (2) sides already established. (See Figures 2 and 3).

As defined in this subsection, no advertising device shall be erected or maintained in the triangular area shown below unless said triangular area is occupied by an existing building or structure. In that event, no advertising device shall be erected or maintained closer to the

intersection than the building or structure itself. A wall sign that does not protrude more than twelve (12) inches may be attached to said building or structure.

Figure 2 See **Intersection of Driveways and Rights-of-way** and
Figure 3. **Intersection of Right-of-ways (Primary Highways excluded)** below.

Figure 2. Intersection of Driveways and Rights-of-way.

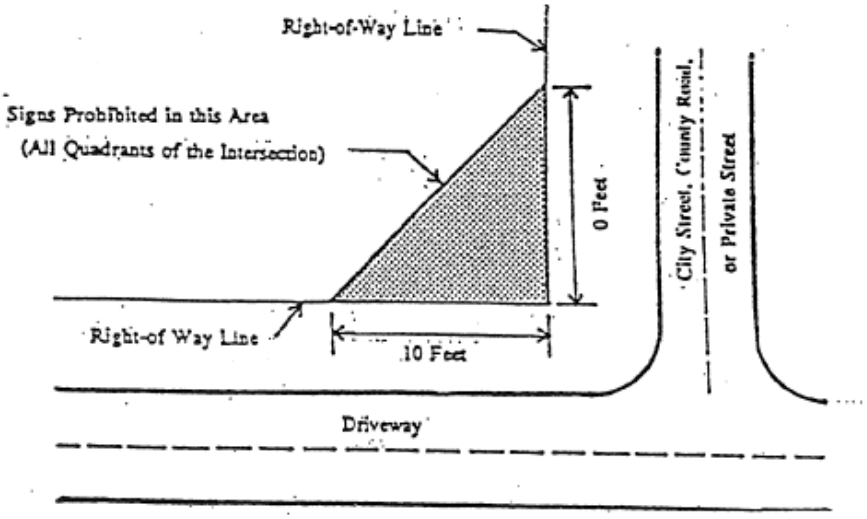
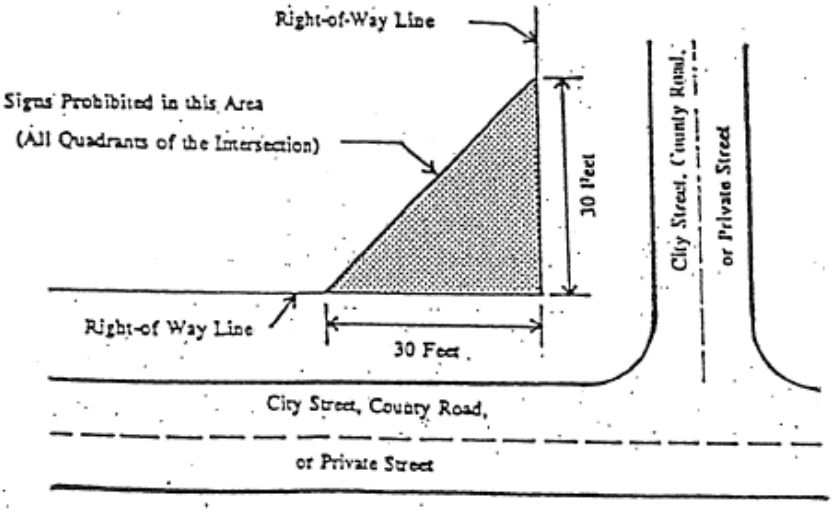


Figure 3. Intersection of Right-of-ways (Primary Highways excluded).



3. No freestanding or roof sign shall be permitted that faces the front side lot line of any lot in a residential "R" District within one hundred (100) feet of such lot lines, unless the subject sign is also permitted within the adjacent "R" District.

4. Any light, exclusive of the sign area itself, used to illuminate any sign shall be situated and arranged as to shine or reflect the light away from adjoining premises, including public right-of-way.

5. Lawful signs, other than portable signs as herein defined, existing on the effective date of this Ordinance amendment, that do not conform to the terms of this Ordinance shall be classified as legal, nonconforming signs and may be maintained as such, yet shall not (except when required by Law) be enlarged, extended, reconstructed, substituted, or structurally altered, unless altered in a nature so as to conform with the written terms of this Ordinance. Any sign in existence at the adoption hereof that was not an authorized nonconforming sign under previous ordinances shall not be authorized to continue as a nonconforming sign pursuant to this Ordinance, or amendments thereto. In the event that nonconforming sign is either removed, replaced, or destroyed, new signs shall thereafter conform to the terms of this Ordinance.

6. Calculation of sign area:

    a. If a sign is enclosed by a rectangle or an outline, the total area will be the sign area; or if a sign consists of individual letters or figures, the imaginary square or rectangle which would enclose all letters or figures shall be the sign area. For freestanding signs, the sign area shall be the total square footage of all individual signs anchored to the same support structure or the ground.

    b. Only one (1) side of a double faced sign shall be counted.

    c. The area of signs of unusual shapes, such as globes, cylinders, pyramids, shall be computed as one-half (1/2) the total of the exposed surfaces.

    d. In all cases, total allowable sign area for signs attached to buildings shall not exceed twenty-five (25) percent of the total square footage of the front of any building.

    e. In all cases, total allowable sign area for rear entrances shall not exceed twenty-five (25) percent of the total square footage of the rear facade of any building.

7. Sign height requirements.

Maximum sign heights, per each zoning district, are shown in the figure below.

Figure 4. Sign Height Table (Height is shown in feet and measured from the base of the sign to highest point of the sign.)

A1	R1	R2	R3	R4	RF	S1	C1	C2	C2A	C3	M1	M2	PD	U1
20	10	10	10	10	10	40	30	40	40	30	50	50	10	10

8. Structural and maintenance requirements:

a. The wiring of all signs shall be contained and enclosed and shall conform to the provisions of the National Electrical Code.

b. Every sign shall be maintained in a safe, neat, and attractive condition by its owner. The sign supports shall be kept painted/treated to prevent rust, deterioration, rotting, or corrosion.

c. No sign shall be erected, placed or mounted in such a manner as to interfere with any exit, fire escape, or window in any building.

d. If a sign is illuminated, the source of such illumination shall be kept in a state of working order at all times.

e. All signs shall be designed to withstand a wind pressure of not less than eighty (80) miles per hour and shall be constructed to receive dead loads as required in the building code or other ordinances of the City of Waverly.

f. No signs or sign structures shall have any nails, tacks, wires, or sharp metal edges protruding from them.

g. Any glass forming a part of a sign shall be heavy safety glass and a minimum of one-fourth (1/4) inch in thickness. Where any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass.

h. No sign shall be erected, placed or mounted in such a manner as to interfere with snow removal or utility maintenance.

i. No sign shall be erected, placed, or mounted closer than ten (10) feet to any existing overhead electrical service wire nor closer than five (5) feet from any existing overhead telephone or communication cable.

j. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

k. Every marquee, freestanding, wall, or projecting sign (including frame, braces and support thereof) shall be securely built, as may be required by the Zoning Manager and/or Building Official.

l. All signs shall be mounted in one (1) of the following manners:

1). Flat against a building or wall.

2). Back-to-back in pairs so that the backs of signs will be screened from public view.

3). Otherwise mounted so that the back of all signs or sign structures showing to the public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

m. All signs shall be constructed to not hold water, snow or ice.

n. When any sign is found to be hazardous to a person or property, or if any sign shall be unlawfully installed, erected, or maintained in violation of the provisions of this ordinance, the owner thereof, or the person or firm maintaining the same, shall upon written notice of the Zoning Manager and/or Building Official forthwith in the case of immediate danger, and in any case within not more than (10) days, make such sign conform to the provisions of this ordinance or remove it.

o. Any business that ceases operation or changes location shall remove all signs and sign structures within thirty (30) days. Failure to do so will result in the property owner receiving notification from the City. All associated costs of this provision shall be the responsibility of the owner of the property. An abandoned sign or remaining sign structure thereof, existing at the time of adoption of this ordinance, shall have thirty (30) days to be removed.

p. Signs constructed or maintained in violation of the provisions of the ordinance are hereby deemed to constitute a nuisance and are subject to actions and any civil or criminal nuisance violation procedures under the Code of Iowa as well under Chapter 63 of the Waverly Municipal Code.

9. Applications, installation, and licensure.

Any person desiring to engage in the business of erecting or installing signs shall make application for a license to do so, to the Clerk, which application shall set forth the name and business address of the applicant; and if the applicant is a firm or partnership, the names of the partners, and in the case of a corporation, the names of the president and secretary, and the name of the person who will have charge of sign installation within the City.

10. Sign permit.

    A sign permit must be obtained from the Zoning Manager and/or Building Official prior to installing or erecting a sign. A one-time fee will be charged for a sign permit; and the City Council shall, by resolution, determine the fee schedule. A copy of the fee schedule shall be located in the Zoning and/or Building Department.

11. Bonds and insurance required.

    No license shall be issued until a bond has been filed with the Clerk with sureties approved by said Clerk indemnifying the City against any loss, expense, judgment, or damages which the City might incur or suffer by reason of the granting of a permit to erect or install signs, such bond to be in the amount of five thousand dollars ($5,000.00) or in such amount as may be determined by the Council. In addition to said bond, the applicant shall file with the City evidence of liability insurance in the amount of fifty thousand dollars ($50,000.00) to the City that will be in full force and effect during the period the license is issued.

D. Signs permitted in all zones: Signs hereafter designated shall be permitted in all zoning districts without prior Building Department approval. A sign permit is not required.

1. Signs advertising the sale, rental, or lease of the premises, or part of the premises, on which the sign is displayed. One (1) non-illuminated sign, not to exceed six (6) square feet in area, shall be permitted on each premise.

2. Signs advertising the architects, engineers, contractors, occupants, other individuals involved in the construction, reconstruction, or remodeling of a building and/or development project and such signs announcing the character and/or purpose of the site. Total non-illuminated signage, not to exceed forty (40) square feet in area, shall be permitted on each premise. Said signs shall not be erected sooner than thirty (30) days prior to site development, nor continued being displayed longer than thirty (30) days following project completion. Said signs shall be placed in accordance with the regulation in this Section.

3. Signs announcing candidates seeking public political office or pertinent political issues. Said signs shall be confined to private property and shall be subject to applicable State and municipal regulations. It shall be lawful to place political signs on private property with permission of the owner or person in charge of the property.

4. Address signs posted in conjunction with doorbells or mailboxes showing only the numerical addresses and/or occupants of the premises upon which the sign is situated.

5. Home occupation signs that are not illuminated and do not exceed two (2) square feet in area. Said sign shall be attached to the front of the principal building. For the purposes of this subsection, "front" shall be determined by the street from where the address is derived.

6. Accessory signs identifying hospitals, civic, philanthropic, educational, or religious organizations. All signs must comply with the general regulations found in subsection "C" of this Section. All freestanding, monumental and roof signs exceeding forty (40) square feet in area must be approved by City Council.

7. Signs that primarily consist of balloons, ribbons, streamers, spinners, or other similarly moving devices. Said signs shall be permitted for ninety (90) days in any consecutive twelve (12) month period.

8. Flag signs: All flag signs exceeding forty (40) square feet in area must be approved by City Council.

E. Signs permitted in all zones: Signs hereafter designated shall be permitted in all zoning districts subject to prior Building Department Approval. A sign permit is not required.

1. Traffic and other regulatory, municipal signs, legal notices, railroad crossing, danger and other such necessary, temporary, emergency, or non-advertising signs.

2. Signs required to be posted and maintained by law or governmental order, rule or regulation, unless specifically prohibited in this Section.

3. Portable signs, banners pennants, and other temporary advertising devices identifying public events, special promotions, holidays and similar events, providing that specific approval is granted under regulations established by the City Council.

4. Memorial plaques, cornerstones, historical markers, and similar representations.

5. Monumental signs intended to identify residential, commercial and/or industrial developments, in accordance with this Section.

6. Mural wall signs, company logo signs, hand-painted art, or any similar sign that is intended to be painted directly on the existing building facade or wall.

F. Signs permitted within zoning districts. In order to implement the provisions of this Section, the following signs are hereby permitted in the previously defined zoning districts as follows:

1. "A-1" Agricultural District:

a. Signs permitted in and limited as per subsection "D" herein.

b. Fascial and mural wall signs used to identify the given name, symbol, and/or occupants of a farmstead located upon the premises. Sign area shall not exceed twenty-five (25) percent of the surface area of the single wall to which the sign is affixed. Signs exceeding forty (40) square feet in area must be approved by City Council.

c. Accessory signs, subject to approval of the Building Department, appertaining to any material that is mined, grown, or treated upon the premises; provided, however, that such signs shall be located upon or immediately adjacent to the buildings or in the area in which such materials are treated, grown, processed, or stored. Said sign shall not exceed forty (40) square feet in area. No more that one (1) such sign shall be permitted per parcel.

2. "R-1" Single Family Residential District:

   a. Signs permitted in and limited as per subsection "D" herein.

   b. Residential developments of four (4) or more dwelling units shall be permitted one (1) development complex sign for each public street frontage within the project (or for each entrance in the case of a subdivision project). Said signs may be placed in any location on private property provided the sign complies with the height limitations in this ordinance. The maximum sign area for each sign shall be two (2) square feet, plus one (1) square foot for each dwelling unit or lot, not to exceed twenty-five (25) square feet in area per face of the sign.

   c. Accessory signs, not to exceed two (2) square feet in area, identifying principal permitted and accessory uses in "R-1" zones other than dwellings and churches. Not more than one (1) sign shall be issued per parcel. All permitted signs must be of the fascia or mural wall type, unless the product, place, activity, person, service, institution, or business being advertised is located within a structure surpassing setback requirements from the lot line being utilized for access. If said setback exceeds Code requirements, one (1) directional sign may be permitted.

   d. One (1) bulletin board or sign, not exceeding forty (40) square feet in area pertaining to construction, lease, hire, or sale of a building or premises, or sale of land or lots is allowed. The board or sign shall be removed as soon as the premises are leased, hired, sold, or construction is completed.

   e. Church bulletin boards.

   f. Home occupation signs, provided that only one (1) non-illuminated sign be attached directly to the front of the principal dwelling. Said sign shall not exceed two (2) square feet in area. For the purposes of this subsection, "front" shall be determined by the street from where the address is derived.

3. "R-2" one and Two Family Residential District:
   a. Any sign permitted in the "R-1" Single Family Residential District, including a non-illuminated sign not to exceed one (1) square foot for each five (5) feet of frontage of property occupied by the use in question.

4. "R-3" Multiple Family Residential District:

   a. Any sign permitted in the "R-2" One and Two Family Residential District.

   b. Directional signs, limited to one (1) per curb cut.

5. "R-4" Multiple Family Residential - Transitional District:

   a. Signs permitted in and limited as per subsection "E" herein.

   b. Directional signs, limited to one (1) per curb cut.

c. Accessory wall signs having a total sign area not to exceed twenty-five (25) percent of the surface area of the single wall to which the sign is affixed. Said sign shall not exceed forty (40) square feet in area, unless special approval is granted by the City Council.

d. Accessory freestanding signs shall be permitted as follows:

1). Upon parcels containing street frontage along any one (1) public street of at least one hundred fifty (150) linear feet.

2). Less than forty (40) square feet in area.

3). Limited to a maximum of one (1) sign for each principal permitted structure.

6. "R-FBH" Planned Factory Built Home District:

a. The requirements shall be the same as those outlined for the "R-3" Multiple Family Residential District:

7. "S-1" Shopping Center District:

a. Signs permitted in and limited as per subsection "E" herein.

b. Accessory and projecting wall signs.

c. Directional signs, limited to two (2) signs per curb cut.

d. Accessory freestanding signs shall be permitted as follows:

In keeping with the intent of the "S-1" District, individual freestanding signs should be limited in number and designed to identify the shopping center and/or the stores contained therein; individual business identification signs are to be discouraged.

To meet this end, one (1) such sign structure shall be permitted for each two hundred fifty (250) linear feet, or fractional part thereof, of frontage on a public street. Said signs shall be no larger than three hundred fifty (350) square feet in area. When separate principal uses are situated on parcels containing less than two hundred fifty (250) feet of street frontage, one (1) freestanding sign may be permitted. Said sign shall be no larger than one hundred (100) square feet in area.

e. Roof signs are allowed.

f. Flashing signs provide said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

g. All signs shall be reviewed and approved in accordance with the "S-1" zoning district provisions, regulations, and restrictions.

8. "C-1" Commercial District:

   a. Signs permitted in and limited as per subsection "E" herein.

   b. Accessory and projecting wall signs.

   c. Directional signs, limited to two (2) signs per curb cut.

   d. Accessory freestanding signs shall be permitted as follows:

      1). Said sign shall not be larger than forty (40) square feet in area.

      2). Said sign shall be limited to one (1) sign per separate principal permitted business.

   e. Roof signs are not allowed.

   f. Flashing signs provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

9. "C-2" Commercial District:

   a. Signs permitted in and limited as per subsection "D" herein.

   b. Accessory and projecting wall signs.

   c. Directional signs, limited to two (2) signs per curb cut.

   d. Freestanding signs shall be permitted as follows:

      1) The sign area of free standing signs shall be limited by allowing two square foot of sign area per linear foot of street frontage with the following limitations: On parcels up to 499 feet of frontage, the combined square footage of all free standing signs shall not exceed 250 square feet. On parcels with 500 to 999 feet of frontage the
      square footage of all free standing signs shall not exceed 300 square feet. On parcels with 1000 linear feet and over the area of all free standing signs shall not exceed 350 square feet.

      2) Regardless of lineal street frontage, all parcels shall be permitted at least one such sign not to exceed forty (40) square feet in area.

   e. Roof signs are allowed.

   f. Flashing signs provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

10. "C-2A" Commercial District:

    a. Any sign permitted in the "C-2" Commercial District.

    b. Roof signs are not allowed.

    c. Flashing signs provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

11. "C-3" Commercial (Central Business) District:

    a. Accessory and projecting wall signs.
    b. Roof signs are not allowed.

    c. Flashing sign provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

    d. Accessory freestanding signs shall be permitted as follows:

        1) Said sign shall be limited to one (1) sign per separate principal permitted business.

        2) Said sign shall be limited by allowing one (1) square foot of sign area per lineal foot of street frontage.

        3) Said sign shall not be larger than eighty (80) square feet in area.

    e. Directional signs, limited to two (2) signs per curb cut.

12. "M-1" Light Industrial District:

    a. Any sign permitted in the "C-2" Commercial District.

    b. Roof signs are allowed.

    c. Flashing signs provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

13. "M-2" Heavy Industrial District:

    a. Any sign permitted in the "C-2" Commercial District.

    b. Roof signs are allowed.

    c. Flashing signs provided said sign is affixed to a permanent structure and has at least ten (10) feet of clearance above the sidewalk, street, or ground.

14. "PD" Planned Development District:

    a. Any sign permitted in the "R-4" Multiple Family Residential-Transitional District.

15. "U-1" Environmentally Sensitive Protected District:

    a. Any sign permitted in the "R-1" Multiple Family Residential-Transitional District.

G. Signs prohibited in all zones: Signs hereinafter designated shall be prohibited in all zoning districts:

1. Signs that advertise a product, place, activity, person, service, institution, or business no longer conducted on the premises on which the sign is located. Said signs and any supporting sign structures shall be removed in accordance with the provisions of the code of Ordinance of the City of Waverly, Iowa.

2. Signs that are larger than twenty-five (25) percent of the surface area of a wall or forty (40) square feet in area, unless otherwise allowed under this ordinance.

3. Signs erected in a manner as to obstruct free and clear vision of streets, alleys, or driveways or erected, designed, or positioned to interfere with, obstruct, or be confused with any authorized traffic sign, signal or device that may mislead or confuse traffic.

4. Signs posted on public property, including utility poles, lighting fixtures, street signs, benches and similar fixtures.

5. Billboards.

6. Signs that imitate or resemble official traffic control signs, signals, regulatory signs, or devices.

7. Off-premise signs, except for temporary signs advertising special events or projects and government entity signs.

H. Non-Conforming Signs.

Signs existing at the time of the enactment of this ordinance and not conforming to its provision, but which were constructed in compliance with previous regulations and ordinance shall be regarded and non-conforming signs. Non-conforming signs shall not be:

1. Changed to another non-conforming sign.

2. Structurally altered so as to prolong life of the sign.

3. Expanded.

4. Re-established after discontinuance of the sign use for a period of thirty (30) days.

5. Moved in whole or in part to another location unless said sign, and the use thereof, is made to conform to all regulations of this ordinance.

6. Re-established after damage or destruction by any means, including an act of God, exceeding fifty (50) percent of the estimated initial value of the sign, as determined by the Zoning Manager and/or Building Official.

I. Variance Procedure.

A sign owner may request a variance from the terms of this ordinance which will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

1. Application. An application for a variance from the provision of this sign ordinance shall be filed in writing with the Zoning Manager and/or Building Official. The application shall contain the following:

   a. Name and address of the owner or applicant.

   b. Address and legal description of the property where the sign is located.

   c. A statement describing the variance requested and the reasons why a variance is required.

   d. A map, sketch, or drawing which depicts, with reasonable accuracy, the size, shape and location of the sign and supporting structures and the sign's relationship to other structures.

2. Additional information. The Zoning Manager and/or Building Official may request additional information necessary to enable a complete analysis and evaluation of the variance request and a determination as to whether the circumstances prescribed for the granting of a variance exists.

3. Fee. The application shall be accompanied by payment of a fee established by the City Council.

4. Board of Adjustment. All request for variances from the provisions of this sign ordinance shall be submitted to the Board of Adjustment which shall consider and act upon variance requests under this Chapter in the same matter and applying, generally the same standards, to the extent applicable, as in considering variances from the provision of the Waverly Municipal Zoning Code.

See Figure 5. See **Sign Table** on following page.

Figure 5. Sign Table.

Sign Type	Zoning District														
	A1	R1	R2	R3	R4	RF BH	S1	C1	C2	C2A	C3	M1	M2	PD	U1
Address	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Banner	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Billboard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Canopy	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N
Combination	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N
Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Flag	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Flashing	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N
Freestanding	N	N	N	N	S	N	S	S	S	S	S	S	S	N	N
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Marquee	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N
Memorial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mural	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Off-Premise	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Pennant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Political	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Portable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Projecting	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N
Regulatory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Roof	N	N	N	N	N	N	S	N	S	N	N	S	S	N	N
Temporary	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wall	N	N	N	N	N	N	S	S	S	S	S	S	S	N	N

Table Key:

A Sign permitted without Building Department approval. No sign permit required.
P Sign permitted subject to Building Department approval. No sign permit required.
S Sign permitted subject to Building Department approval. A sign permit is required.
N Sign not allowed.

SEC. 100.27 Home Occupations

Section: 100.27.01 Purpose

1. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production of supplementing of personal and family income.

2. Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in residential zones.

3. Protect residential areas from adverse impacts of activities associated with home occupations.

4. Regulate home occupation.

Sec. 100.27.02 Definition. Home occupation means:

1. An accessory use of a dwelling unit, involving the manufacture, provision, or sale of goods and/or services, which is conducted by members of the family residing on the premises plus no more than one nonresident assistant or employee and carried on only within the enclosed living area of the dwelling unit.

2. Home occupations do not include garages sales and yard sales nor home parties which are held for the purpose of the sale or distribution of goods or services. Provided, however, that if the collective total of all such sales and/or parties exceeds six in any calendar year such sales and/or parties shall be considered home occupations

   Home occupations do not include in-home childcare.

Sec. 100.27.03 Generally. The regulations set forth in this ordinance shall apply to all residential dwelling units, irrespective of zoning district.

Sec. 100.27.04 Criteria. All home occupations shall meet the following criteria:

1. A home occupation shall be conducted in a manner which does not give an outward appearance of nor manifest characteristics of a business which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent of the residential zone. There shall not be outside storage nor window display. Noise, dust, odor, noxious fumes, or vibrations emanating from the premises shall not exceed that which is normally produced by a single dwelling unit. Mechanical or electronic equipment which is incidental to the home occupation may be used provided it does not create visible or audible interference in radio or television receivers or cause fluctuations in line voltage off the premises. The home occupation shall not interfere with the delivery of utilities or other services to the area.

2. The home occupation should not generate significantly greater traffic volume than would normally be expected in the particular residential zone in which the home occupation is conducted. General delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle should not exceed two trips per year. A commercial vehicle for the purpose of this section and chapter is any motor vehicle having a gross vehicle weight of more than 14,000 pounds.

3. The parking of customers' or clients' vehicles should not create safety hazards or unusual congestion. At any one time only one commercial vehicle associated with the activities of the home occupation may be parked on the street near the premises for more than four consecutive hours. One additional on-site parking space shall be required above the normal parking requirements for the dwelling unit for any home occupations where students or clients are likely to concurrently visit the premises and their method of transportation are two or more separate motor vehicles.

4. The home occupation is to be conducted only by members of the family residing in the dwelling unit plus not more than one nonresident assistant or employee. Persons engaged in building trades, sales or similar fields, using their dwelling units or residential premises as an office for business activities carried on or off the premises, may have more employees than the limitations set forth in subsection (4) of this section if they are not employed on the premises. One additional on-site parking space shall be required above the normal parking requirements for the dwelling unit for any home occupations where a nonresident employee works on the premises and that particular employee's method of transportation to and from the site for the home occupations is a motor vehicle which would normally be parked on or near the site of the new occupation.

5. Only one flush-mounted wall sign, not over two square feet in area, is permitted per dwelling unit. The legend shall show only the name of the occupant and type of occupation. The sign shall not be illuminated. A permit for the sign is not required.

6. If the home occupation is the type in which classes are held or instruction given, there shall be no more than four students or pupils in the dwelling unit or on the premises at any one time. These requirements limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations, and other similar gatherings.

7. If the home occupation is the type in which customers or clients visit the premises there shall be nor more than six clients or customers in the dwelling unit or on the premises during any period of 60 consecutive minutes. Motor vehicle traffic generated by clients or customers of a home occupation shall be prohibited from visiting the premises between the hours of 10:00 p.m. and 7:00 a.m. Motor vehicle traffic associated with clients or customers coming to or going from the premises shall be limited to a total of no more than four vehicles during any period of 60 consecutive minutes; provided, however the City may approve up to six such vehicles during any period of 60 consecutive minutes after having considered the availability of on-site parking, traffic circulation in the neighborhood, and the hours during which the home occupation are conducted. The requirements of this subsection shall not be construed to prohibit occasional exceptions for such events as meetings, conferences, demonstrations, or other similar gatherings of the time constrains contained in this subsection.

8. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation.

9. Home occupations shall comply with all local, state, or federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this chapter shall not be construed as an exemption from such regulations.

10. Abatement. A nonconforming home occupation existing at the time this ordinance is adopted shall be nonconforming. Said home occupations may remain but cannot be reinstated once original owner has ended the operation nor can an ownership be transferred.

11. Home occupations shall be limited to 25% of the enclosed living area of the dwelling unit not to exceed 300 square feet.

Section 100.27.05 Procedure.

1. Application. Application for a home occupation permit shall be made to the Zoning Manager and/or Building Official on a form provided by the department and shall be accompanied by the prevailing filing fee as established by resolution of the City Council. The Zoning Manager and/or Building Official will make a decision and notify the applicant in writing within 15 calendar days of the date the application is received.

2. Scope. In cases where the Zoning and/or Building Department considers the application not within the scope of the home occupation criteria, the application will be denied.

3. Time Limit. All home occupation permits shall be valid for a period of one year from initial date of approval.

4. Voiding of Permit. The Zoning and/or Building Department may void any home occupation permit for noncompliance with the criteria set forth in this ordinance. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and said use shall be terminated.

5. Appeal to the Board of Adjustment. The decision of the Zoning Manager and/or Building Official concerning approval or revocation shall be final unless a written appeal is filed with the Board of Adjustment within ten (10) calendar days of the decision.

6. Inspection. Home occupation applicants shall permit a reasonable inspection of the premises by the Zoning Manager and/or Building Official to determine compliance with this ordinance. Home occupation shall be field-checked annually by staff to determine compliance.

7. Renewal. Home occupation permits may be renewed annually provided there has not been any violation of the provisions of this ordinance. Requests for renewals shall be submitted to the Zoning and/or Building Department in writing, accompanied by the prevailing renewal fee, as established by City Council resolution, one month prior to expiration of the permit.

Section 100.27.06 Enforcement Procedures.

1. Any aggrieved person believing that a violation or violations of this ordinance are Occurring and who desires that action be taken by the City shall notify the Zoning and/or Building Department in writing of such alleged violation(s). Within 30 calendar days after receipt by the Zoning Manager and/or Building Official of such written allegation(s), the Zoning Manager and/or Building Official shall complete an investigation of the alleged allegation(s) to determine the merits thereof. Within 10 calendar days after the Zoning Manager and/or Building Official completed the investigation(s), he shall notify in writing the following persons:

    a. If the Zoning Manager and/or Building Official determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for complaining person by certified mail return requested.

    b. If the Zoning Manager and/or Building Official determines that a violation is occurring or has occurred as alleged, then notification of that decision and a time for compliance shall be sent by

certified mail return requested to both the violator and complaining person or a spokesperson for complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely effected.

2. Any person feeling aggrieved by a decision of the Zoning Manager and/or Building Official may appeal that decision to the Board of Adjustment by filing a written notice of appeal in the office of the Zoning Manager and/or Building Official within 30 days from the date of the decision that is appealed.

Section 100.28 Alternative Energy System Requirements– (Amended by Ordinance 1121, Published 03-28-2023)

Section A. Purpose:

It is the purpose of this regulation to promote the safe, effective, and efficient use of small alternative energy systems installed to reduce on-site consumption of utility supplied services to residences and businesses in the City of Waverly.

Section B. Findings:

The City of Waverly finds that solar, small wind, and geothermal energy is abundant, renewable, and nonpolluting energy resources and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Alternative energy has the potential to reduce peak power demands and help diversify the State's energy supply portfolio.

Section C. Definitions:

1. **Alternative energy system:** An energy system that generates electrical power or heat management by the means of wind, solar, or geothermal energy.
2. **Building-integrated solar energy system:** A solar energy system that is an integral part of a building, rather than a separate mechanical device, replacing, or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights, and awnings.
3. **Closed loop ground source heat pump system:** a system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.
4. **Extended tower height:** The height above grade to a propeller's tip at its highest point of rotation.
5. **Ground-mounted solar energy system:** Solar energy system that is free standing and is not supported by any building, accessory, or dwelling. For the purposes of this section, solar powered lights used to illuminate exterior areas shall not be included in this definition.
6. **Ground source heat pump system:** A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils, or plates, a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.
7. **Heat transfer fluid:** a non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed 20% by weight or aqueous solutions of potassium acetate not to exceed 20% by weight.
8. **Horizontal wind energy system:** A small wind energy system that rotates around a horizontal axis.

9. **Open loop ground source heat pump system:** a system that uses groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.
10. **Passive solar energy system:** A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
11. **Roof-mounted solar energy system:** A roof mounted solar energy system mounted directly abutting the roof.
12. **Small Wind Energy System:** A small wind energy conversion system may consist of a small wind turbine on a tower or a roof-mountable small wind turbine unit, and associated control or conversion electronics, which supplies power solely for onsite use with the primary purpose of reducing on-site consumption of power.
13. **Solar energy system:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.
14. **Tower height:** The height above grade of the fixed portion of the tower, excluding the small wind turbine itself.
15. **Vertical Small Wind Energy System:** A Small Wind Energy System that rotates around a vertical axis.

Section D. Permit Process:

Alternative energy systems shall require plans to be approved by the zoning official through a permit procedure as outlined in the City Code and shall be permitted to be applied for in residential, commercial, and industrial zoning classifications, where structures of any sort are allowed and subject to all applicable conditions of this section and all general requirements specified for any such use or structure identified in this Section. Plan approval does not indicate compliance with building or electrical codes. Building and electrical permits must be issued through Bremer County Zoning.

1. Permitted Uses. The following shall be considered permitted uses or structures, subject to all applicable conditions, described in this section and all general requirements specified for any such use or structure identified with such use. Any of the proposed uses below shall be reviewed and approved by the zoning official if the proposed use meets all requirements. If a proposed use does not meet all requirements, or an exception is requested, the use shall be considered a special provisional use.
    a. Passive Solar Energy System
    b. Building Integrated Solar Energy System
    c. Closed Loop Ground Source Heat Pump System
    d. Open Loop Ground Source Heat Pump System
    e. Roof-Mounted Solar Energy System
2. Special Provisional Uses. Special provisional uses, require a review and recommendation of the Planning and Zoning Commission to the Board of Adjustment which will determine approval of the use subject to all applicable conditions of this section and all general requirements specified for any such use or structure identified with such use. The following uses and structures shall require special provisional use approval in compliance with all applicable conditions, described in this section and all general requirements specified for any such use or structure identified with such use:
    a. Small Wind Energy System
    b. Ground-Mounted Solar Energy System

3. Public Hearing. During the consideration of a special provisional use, the Planning and Zoning Commission shall hold a public hearing with the same requirements as Section 100.24.03. This shall include the notification of all property owners within 250 feet. After conducting the public hearing, the Commission shall forward its recommendation for action to the Board of Adjustment for decision. A request of waiver for the public notification requirements may be submitted to the City Administrator for uses that may require anonymity.
4. Energy Production. The sum of all alternative energy systems capacity ratings shall not exceed the average annual consumption on the property, utilizing information from the prior calendar year.
5. Code Compliance. Applications that meet the design requirements of this ordinance, and do not require a special use permit, shall be granted administrative approval by the zoning official. Plan approval does not indicate compliance with Building Code, Electric Code or Plumbing Code. Building and electrical permits must be issued through Bremer County Zoning.

Section E. Small Wind Energy System:

1. **Lot Size:** No Small Wind Energy System shall be allowed on any lot containing less than two acres.
2. **Height and Set-Back:** The base of the small wind energy system shall be set back from all property lines, public right of ways, and above ground public utility lines at a distance no closer than 110% of the total extended height of the tower. Guywires which support the tower, if applicable, shall be allowed at a distance no closer than the zoning district setbacks. No tower should exceed height limitations as imposed by FAA regulations.
3. **Noise:** Small wind energy systems shall not exceed 60 dBA, as measured at the property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
4. **Aesthetics:** All small wind energy systems shall use colors that blend with the sky or have low visual impact on the surrounding area. No reflective materials can be used.
5. **Wind Turbines:** Building permit applications for small wind energy systems shall be accompanied by documentation showing that the small wind turbine is approved by any small wind certification program recognized by the American Wind Energy Association. (AWEA)
6. **Compliance with International Building Code:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the small wind turbine structure, including the tower, base, and footings. For roof-mounted applications, standard drawings showing the capability of a roof to support such a proposal shall be submitted for review. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
7. **Compliance with FAA Regulations:** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports and the Airport Tall Structure Zoning section in the City Code. Required documents, if applicable, shall be submitted to the City at the time of application.
8. **Compliance with National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
9. **Utility Notification:** No small wind energy system shall be installed until evidence has been given that the electric utility provider has been informed of the customer's intent to install an interconnected customer-owned generator and the customer can show proof that they have received, understand, and agree to abide by the utility's requirements for net metering and distributed generation installation. A disconnect will be required at

the time of installation and the utility company shall be notified of this installation. A written statement from the electric utility provider shall be presented at the time of applying for a construction building permit showing compliance with the disconnect requirement. Off-grid systems shall be exempt from this requirement and a statement from the utility company recognizing the off-grid status is required to be presented at time of application.

10. **Vertical Small Wind Energy System:** Because of the range of motion and lower required height, vertical small wind energy systems require special attention. Vertical systems will be reviewed as a special provisional use.
11. **Requirement for engineered drawings/approval and soil studies:** A small wind energy system of less than 20kW, or a small wind energy system mounted on a structure other than a free-standing tower, shall not be erected in the City of Waverly, unless the plans and specifications for the system have received the stamped approval of an Iowa registered engineer. In lieu of obtaining the stamped approval of an Iowa registered engineer for each small wind energy system of 20kW or less mounted on a free standing tower, a manufacturer may submit its standard plans and specifications for a 20 kW system on a free-standing tower, including its soils study and foundation plans for such system, for a one time review and stamped approval by an Iowa registered engineer as suitable for construction in any soil condition that exists in the State of Iowa. If such one-time stamped approval is obtained, that manufacturer may thereafter construct such small wind energy systems of 20 kW or less in the City of Waverly, utilizing the approved soils study and foundation plans for the 20 kW small wind energy system, without obtaining and presenting the stamped approval of an Iowa registered engineer for each such installation.
12. **Insurance:** A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to the City of Waverly, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements from the electric utility provider.
13. **Safety Requirements:** In addition to meeting all applicable building code requirements, to limit climbing access to the tower, applicant must demonstrate a method such as erecting a fence six (6) feet in height with a locking portal or installing an anti-climbing device or utilization of an equivalent method will be installed prior to final approval by the building inspector. Also climbing foot pegs or rungs below 12 feet above grade must be removed.
14. **Blade Clearance:** No Portion of the small wind energy system blade sweep shall extend within thirty (30) feet of the ground. No blade sweep may extend over public parking areas, driveways or sidewalks.
15. **Automatic Over Speed Controls:** All small wind energy systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the small wind energy system. Turbine/blade systems shall be rated to wind speeds of no less than 90 miles per hour, measured at sea level.
16. **Minimal Interference Requirements:** The small wind system operation shall not cause interference to the radio and television reception on adjoining property.
17. **Shadow Flicker:** Small wind energy systems shall avoid shadow flicker resulting from the shadow cast from the small wind energy system onto adjacent properties.
18. **Ice Shedding:** The small wind energy system owner shall ensure that ice from the wind turbine blades does not impact any off-site property. Compliance with this requirement in the form of a plan or specifications showing compliance with this provision shall be indicated in the plans and specifications submitted with the plans and application.
19. **General Requirements on Operation:** The owner of a small wind energy system shall defend, indemnify, and hold harmless the City of Waverly, and their officials from and against any and all claims, demands,

losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the actions or omissions of the operator or the operator's contractors concerning the construction or operation of the small wind energy facility without limitation, whether said liability is premised on contract or tort. Owner's submittal for a building permit for a small wind energy system shall constitute agreement to defend, indemnify, and hold harmless the City of Waverly and their officials.

20. **Signage:** No signs, other than appropriate warning signs, or standard manufacturer's or installer's identification signage shall be displayed on a small wind generator, tower, building, or other structure associated with a small wind energy system.
21. **Lighting:** No illumination of the turbine or tower shall be allowed unless required by the FAA.
22. **Maintenance:** All small wind energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all of the requirements in this section and permit conditions for a continuous 12-month period.
    a. Notice of Abandonment: The Zoning Official may issue a Notice of Abandonment (Notice) to the owner of a small wind energy system that is deemed not meeting the requirements or conditions associated with the small wind energy system for a continuous 12-month period. The owner shall have the right to respond to the Notice within 30 days from receipt date. The Zoning Official shall withdraw the Notice and notify the owner that the Notice has been withdrawn should the owner provide information that demonstrates the small wind energy system has not been abandoned.
    b. Removal: If the small wind energy system is determined to be abandoned, the owner, at their sole expense, shall restore site to original condition and foundation shall be removed up to 5 feet below final grade and vegetation restored within 120 days. This determination shall include the requirements or conditions associated with the small wind energy system not being met for a continuous 12-month period.

Section F. Solar Energy System:

1. **System Type:** Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regarded as any other building element. Roof-mounted solar energy systems shall be reviewed and approved by the zoning official if the proposed structure meets all requirements of this code chapter. Ground-mounted solar energy systems require approval though a special provisional use procedure described in this section.
2. **Height:** Roof-mounted solar energy systems in residential applications shall not be higher than 10 inches above the roof at any point. Non-residential flat roof mounted system applications are exempt from this height requirement. Ground-mounted solar energy systems in residential applications shall not exceed 15 feet in height from grade at total extended height. Ground-mounted solar energy systems in non-residential applications are exempt from this height requirement.
3. **Location:** The locations of ground mounted systems are limited to the rear of the property and should avoid being in eyesight from the street. Roof-mounted systems must be placed on rear or side-facing roofs, which do not front any public street, unless documentation can be shown that such locations would be ineffective or impractical.
4. **Setbacks:** Ground-mounted solar energy systems shall meet all set back requirements for the applicable zoning district for accessory structures. Roof-mounted systems shall meet all set back requirements for the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
5. **Easements:** Solar energy systems shall not encroach on any platted public easement.

6. **Screening:** Solar energy systems shall be screened from street view to the extent possible without reducing their efficiency. The applicant shall submit a landscaping plan subject to The City of Waverly staff review at the time of application.
7. **Aesthetics:** All solar energy systems shall use colors that blend with the surrounding settings. Reflection angles from collector surfaces shall be oriented away from neighboring windows.
8. **Maximum Area of unit:** Ground-mounted solar energy systems shall be treated as an accessory structure and thus are limited in area to the accessory structure limitations as set by the City Code. The total size of all solar energy systems may not produce any amount of energy, addition to other alternative energy systems beyond the average annual consumption.
9. **Compliance with International Building Code:** Building permit applications for ground-mounted solar energy systems shall be accompanied by standard drawings of the solar energy system structure, including the panels, base, and footings. For roof-mounted applications, standard drawings showing the capability of a roof to support such a proposal shall be submitted for review. An engineering analysis of the system showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
10. **Compliance with Federal Regulations:** Solar energy systems must comply with applicable Federal regulations. Required documents, if applicable, shall be submitted to the City at the time of application.
11. **Compliance with National Electric Code:** Building permit applications for solar energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code
12. **Utility Notification:** No solar energy system shall be installed until evidence has been given that the electric utility provider has been informed of the customer's intent to install an interconnected customer-owned generator and the customer can show proof that they have received, understand, and agree to abide by the utility's requirements for net metering and distributed generation installation. A disconnect will be required at the time of installation and the electric utility provider shall be notified of this installation. A written statement from the utility company shall be presented at the time of applying for a construction building permit showing compliance with the disconnect requirement. Off-grid systems shall be exempt from this requirement.
13. **Safety:** Feeder lines, Utility connects, and any other feature shall have appropriate markings, warnings, and safety features to prevent harm to persons, wildlife, or personal property.
14. **General Requirements on Operation:** The owner of a solar energy system shall defend, indemnify, and hold harmless the City of Waverly and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the actions or omissions of the operator or the operator's contractors concerning the construction or operation of the solar energy facility without limitation, whether said liability is premised on contract or tort. Owner's submittal for a building permit for a solar energy system shall constitute agreement to defend, indemnify, and hold harmless the City of Waverly and their officials.
15. **Maintenance:** All solar energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all of the requirements in this section and permit conditions for a continuous 12-month period.
    a. **Notice of Abandonment:** The Zoning Official may issue a Notice of Abandonment (Notice) to the owner of a solar energy system that is deemed not meeting the requirements or conditions associated with the solar energy system for a continuous 12-month period. The owner shall have the right to respond to the Notice within 30 days from receipt date. The Zoning Official shall withdraw the Notice and notify the owner that the Notice has been withdrawn should the owner provide satisfactory information that demonstrates the solar energy system has not been abandoned

b. **Removal:** If the solar energy system is determined to be abandoned, the owner, at their sole expense, shall restore site to original condition and foundation shall be removed up to 5 feet below final grade and vegetation restored within 120 days. This determination shall include the requirements or conditions associated with the solar energy system not being met for a continuous 12-month period.

Section G. Ground Source Heat Pump Systems:

1. **System type:** Closed loop ground source heat pump systems utilizing heat transfer fluids in residential applications are permitted subject to all applicable conditions described in this section. Open loop ground source heat pump systems are permitted only in non-residential applications and require approval through the Public Works Department subject to all applicable conditions described in this section.
2. **Setbacks:** All components of ground source heat pump systems including pumps, borings, and loops shall be set back at least 5 feet from interior side lot lines and at least 10 feet from rear lot lines. All components above ground must also meet setback requirements for the applicable zoning district. Ground source heat pump systems shall not encroach on any public easement.
3. **Safety:** For open loop ground source heat pumps, all components must contain safety devices that will protect persons, wildlife, and public property from any type of damage.
4. **Groundwater Testing:** Building permit applications for open loop ground source heat pump systems shall be accompanied by documentation of ground water quality test results that fulfill the needs of The City Public Works Department for inspection. Prior to permit approval, follow up tests are to take place and given to the City Public Works Department upon completion of the installation of the system to ensure water quality of the groundwater aquifer. The City may conduct follow up tests at the site as needed to ensure water quality of the groundwater aquifer.
5. **Compliance with International Building Code:** Building permit applications for ground source heat pump systems shall be accompanied by standard drawings of the total energy system structure, including the pumps, borings, and loops. An engineering analysis of the system showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
6. **Compliance with Federal and State Regulations:** Ground source heat pump systems must comply with applicable federal and state regulations. Required documents, if applicable, shall be submitted to the City at the time of application.
7. **Compliance with National Electric Code:** Building permit applications for ground source heat pump systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
8. **General Requirements on Operation:** The owner of a ground source heat energy system shall defend, indemnify, and hold harmless the City of Waverly and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the actions or omissions of the operator or the operator's contractors concerning the construction or operation of the ground source heat energy facility without limitation, whether said liability is premised on contract or tort. Owner's submittal for a building permit for a ground source heat energy system shall constitute agreement to defend, indemnify, and hold harmless the City of Waverly and their officials.

9. **Maintenance:** All open loop ground-source heat pump facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all the requirements in this section and permit conditions for a continuous 12-month period.

    a. **Notice of Abandonment:** The City of Waverly may issue a Notice of Abandonment (Notice) to the owner of an open loop ground source heat pump system that is deemed not meeting the provisions associated with the open loop ground source heat pump system for a continuous 12-month period. The owner shall have the right to respond to the Notice within 30 days from receipt date. The City of Waverly shall withdraw the Notice and notify the owner that the Notice has been withdrawn should the owner provide information that demonstrates the system has not been abandoned and is in compliance with all applicable regulations.

    b. **Removal:** If the open loop ground source heat pump system is determined to be abandoned, the owner, at their sole expense, shall restore site to original condition. To complete the removal of said system, the owner must remove the heat pump and any external mechanical equipment; fill pipes and coils with grout to displace heat transfer fluid. The heat transfer fluid must be removed from site and be disposed of in accordance with applicable regulations, documentation is required for removal. A final ground water quality test must be taken to ensure protection of ground water. Any piping or coiling 5 feet or less from the surface shall be removed. Removal and vegetation must be restored on site in 120 days from date of the determination of abandonment. This determination shall include the requirements or conditions associated with the open loop ground source heat system not being met for a continuous 12-month period.

(Amended by Ordinance No. 1121 3/28/23)

CHAPTER 101

AIRPORT TALL STRUCTURE ZONING

Sections:

101.1 Statutory Authorization, Findings of Fact and Purpose.
101.2 Definitions.
101.3 Airport Zones and Airspace Height Limitations.
101.4 Use Restrictions and Lighting.
101.5 Administration.

Section 101.1 Statutory Authorization, Findings of Fact and Purpose

SEC. 101.1.01 STATUTORY AUTHORIZATION. This chapter is adopted pursuant to the authority conferred on the City of Waverly and the Bremer County Board of Supervisors by the Iowa State Code.

SEC. 101.1.02 FINDINGS OF FACT.

1. The creation and/or establishment of an airport hazard is a public nuisance and an injury to the city/country served by the Waverly Municipal Airport.

2. That it is necessary and in the interest of the public health, public safety and general welfare that creation of airport hazards be prevented.

3. That this should be accomplished, to the extent legally possible, by proper exercise of the police power.

4. That the prevention of the creation or establishment of airport hazards and the elimination, removal, altercation, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of Waverly and Bremer County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interest therein.

SEC. 101.1.03 SHORT TITLE. This chapter shall be known and may be cited as the "Waverly Municipal Airport Height Zoning Ordinance".

Section 101.2 Definitions

SEC. 101.2.01 DEFINITIONS GENERALLY. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

SEC. 101.2.02 AIRPORT. The Waverly Municipal Airport.

SEC. 101.2.03 AIRPORT ELEVATION. The highest point of the airport's usable landing area measured in feet above mean sea level, which elevation is established to be 991 feet.

SEC. 101.2.04 AIRPORT HAZARD. Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen Code of Federal Regulations, Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

SEC. 101.2.05 AIRPORT PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway shall be that width prescribed in Part 77 of the Federal Aviation Regulation (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

SEC. 101.2.06 AIRSPACE HEIGHT. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

SEC. 101.2.07 CONTROL ZONE. Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

SEC. 101.2.08 INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

SEC. 101.2.09 MINIMUM DESCENT ALTITUDE. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

SEC. 101.2.10 MINIMUM ENROUTE ALTITUDE. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

SEC. 101.2.11 MINIMUM OBSTRUCTION CLEARANCE ALTITUDE. The specified altitude in effect between radio fixes on VOT airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

SEC. 101.2.12 RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SEC. 101.2.13 VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document to the FAA by competent authority.

Section 101.3 Airport Zones and Airspace Height Limitations

SEC. 101.3.01 ESTABLISHED GENERALLY. In order to carry out the provision of this chapter, there are hereby created and established certain zones which are depicted on the Waverly Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows.

SEC. 101.3.02 AIRPORT HEIGHT ZONES.

1. Horizontal Zone. The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

   a. Swinging arc of five thousand (5,000) feet radii from the center of each end of the primary surface of runways 18 and 36 and 11 and 29, and connecting the adjacent arcs by lines tangent to those arcs.

   b. No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone as depicted on the Waverly Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Waverly Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface, as follows:

   a. The inner edge of the approach surface is:

      (1) Five hundred (500) feet wide for runway 18 and 36

      (2) Two hundred fifty (250) feet wide for runway 11 and 29

   b. The outer edge of the approach surface is:

      (1) Two thousand (2,000) feet for runway 18 and 36.

      (2) One thousand two hundred fifty (1,250) feet for runway 11 and 29

   c. The approach zone extends for a horizontal distance of five thousand (5,000) feet at a slope of 20 to 1 for runways 18 and 36 and 11 and 29.

      (1) No structure shall exceed the approach surface to any runway, as depicted on the Waverly Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces.

   a. No structure shall exceed the transitional surface, as depicted on the Waverly Municipal Airport Height Zoning Map.

5. No structure shall be erected in Waverly or Bremer County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction

clearance altitude or minimum enroute altitude to be increased on any Federal airway in Waverly or Bremer County.

Section 101.4 Use Restrictions and Lighting

SEC. 101.4.01 USE RESTRICTIONS. Notwithstanding any other provisions of Chapter 101.3, no use may be made of land or water within the City of Waverly or Bremer County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

1. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Waverly Municipal Airport or in the vicinity thereof.

2. No operations from any use within three (3) statute miles of any usable runway of the Waverly Municipal Airport shall produce smoke, glare or other visual effects that are hazardous or dangerous to aircraft operating from the Waverly Municipal Airport.

3. No operations from any use in the City of Waverly or Bremer County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

SEC. 101.4.02 LIGHTING.

1. Notwithstanding the provisions of Section 101.4.01, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this chapter and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Circular 7464-1D and amendments.

2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Waverly or Bremer County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

Section 101.5 Administration

SEC. 101.5.01 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use the property in violation of any section of this chapter, may apply to the board of adjustments for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustments unless a copy of the application has been submitted to the city administrator for an opinion as to the aeronautical effects of such a variance. If the city administrator does not respond to the board of adjustments within thirty (30) days from receipt a decision to grant or deny the variance, the board may make its decision to grant or deny the variance.

SEC. 101.5.02 BOARD OF ADJUSTMENTS.

1. For purposes of this chapter the board of adjustments shall be the established city zoning board of adjustments or the Bremer County zoning board of adjustments and shall exercise the following powers:

    a. To hear and decide appeals from any order, requirement, decision or determination made by the city administrator or the county zoning officer in the enforcement of this chapter; and

b. To hear and decide special exemptions to the terms of this chapter upon which such board of adjustments under such regulations may be required to pass; and

c. To hear and decide specific variances.

2. The board of adjustments shall have the powers established in the Iowa Code. The concurring vote of a majority of the members of the board of adjustments shall be sufficient reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

SEC. 101.5.03 JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustments, may appeal to the Court of Record as provided in Iowa Code, Section 414.15.

SEC. 101.5.04 ADMINISTRATIVE AUTHORITY. It shall be the duty of the city administrator and the county zoning officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the city administrator or the county zoning officer on forms furnished by him. Applications required by this chapter to be submitted to the administrative officer shall be promptly considered and granted or denied. Application for action by the board of adjustments shall be forthwith transmitted by the city administrator or the county zoning officer.

SEC. 101.5.05 PENALTIES. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than one hundred dollars ($100.00) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

CHAPTER 102

FLOOD PLAIN MANAGEMENT

Sections:

102.1 Statutory Authorization, Finding of Fact and Purpose.
102.2 General Provisions.
102.3 Definitions.
102.4 Establishment of Zoning Districts.
102.5 Floodway (Overlay) District (FW).
102.6 Floodway Fringe (Overlay) District (FF).
102.7 General Flood Plain (Overlay) District (FP).
102.8 Shallow Flooding (Overlay) District (SF).
102.9 Administration.
102.10 Nonconforming Uses.

Section 102.1 Statutory Authorization, Finding of Fact and Purpose

SEC. 102.1.01 STATUTORY AUTHORIZATION. The legislature of the State of Iowa has in Chapter 414, of the current Code of Iowa, as amended, delegates the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

SEC. 102.1.02 FINDINGS OF FACT.

1. Flood Hazard Areas. The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety, and general welfare of the community.

2. Cause. These losses, hazards and related effects are caused by the occupancy of flood hazards and related effects are caused by the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood and the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.

3. Engineering Methodology. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources. This methodology consists of a series of interrelated steps including:

    a. Flood Magnitudes. Determination of flood magnitudes and the corresponding flood frequencies by statistical and engineering factors as expected frequency of occurrence, area inundated, and depth of inundation.

    b. Water Surface Profiles. Calculations of water surface profiles based upon a hydraulic engineering analysis of the capability of the stream channel and overbank areas to convey flood flows.

c. Floodway. Computation and delineation of a floodway, an area which must be reserved (no obstructions) for conveyance of flood flows so that flood heights and velocities will not be substantially increased by future encroachment on the flood plain.

SEC. 102.1.03 STATEMENT OF PURPOSE. It is the purpose of this chapter to promote the public health, safety and general welfare by minimizing those flood losses described in Section 102.1.02 with provisions designed to:

1. Reserve Area. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Dangerous Area. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Vulnerable Uses. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.

4. Buying Lands. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

5. Flood Insurance. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

Section 102.2 General Provisions

SEC. 102.2.01 LANDS TO WHICH CODE CHAPTER APPLIES. This chapter shall apply to all lands within the jurisdiction of the City of Waverly on the Flood Insurance Rate map to be within the base flood boundaries.

SEC. 102.2.02 ESTABLISHMENT OF OFFICIAL FLOOD PLAIN ZONING MAP.

1. Adoption. The Flood Insurance Rate Map (FIRM) for Bremer County and Incorporated Areas, City of Waverly, Panels 19017C0175E, 19017C0260E, 19017C0276E, 19017C0277E, 19017C0278E, 19017C0279E, and 19017C0285E, dated January 29, 2021, which were prepared as part of the Flood Insurance Study for Bremer County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

2. Flood Profiles. The flood profiles and all explanatory material contained with the Flood Insurance Study and the Flood Insurance Rate Map(s) are also declared to be a part of this chapter.

SEC. 102.2.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the zoning district shall be determined by scaling distances on the "Official Flood Plain Zoning Map." Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Flood Plain Zoning Map, the administrator shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence.

SEC. 102.2.04 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

SEC. 102.2.05 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances, resolutions or regulations inconsistent with this code chapter are hereby repealed to the extent of the inconsistency only.

SEC. 102.2.06 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

SEC. 102.2.07 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damage. This chapter shall not create liability on the part of the City of Waverly or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SEC. 102.2.08 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Section 102.3 Definitions

SEC. 102.3.01 DEFINITIONS GENERALLY. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

SEC. 102.3.02 APPURTENANT STRUCTURE. A Structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

SEC. 102.3.03 BASEMENT. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides.

SEC. 102.3.04 BASE FLOOD. The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”)

SEC. 102.3.05 BASE FLOOD ELEVATION. The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

SEC. 102.3.06 BOARD OF ADJUSTMENT. The term "board of adjustment" means the zoning board of adjustment as established under this code.

SEC. 102.3.07 DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. Is also does not include gardening, plowing, and similar practices that do not involve filling, grading.

SEC. 102.3.08 EXISTING CONSTRUCTION. Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

SEC. 102.3.09 EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

SEC. 102.3.10 EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

SEC. 102.3.11 FACTORY-BUILT HOME. Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

SEC. 102.3.12 FACTORY-BUILT HOME PARK OR SUBDIVISION. A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

SEC. 102.3.13 FLOOD. The term "flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid run off of surface waters from any sources.

SEC. 102.3.14 FIVE HUNDRED (500) YEAR FLOOD. A flood, the magnitude of which has a two-tenths (.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

SEC. 102.3.15 FLOOD ELEVATION. The term "flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the one hundred year (100) flood elevation is that elevation of floodwaters related to the occurrence of the base flood.

SEC. 102.3.16 FLOOD INSURANCE RATE MAP. The term "flood insurance rate map" means the official map prepared as part of but published separately from the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

SEC. 102.3.17 FLOOD INSURANCE STUDY. A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the Flood Insurance Rate Map.

SEC. 102.3.18 FLOOD PLAIN. The term "flood plain" means any land area susceptible to being inundated by water as a result of a flood.

SEC. 102.3.19 FLOOD PLAIN MANAGEMENT. The term "flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains,

including but not limited to emergency preparedness plans, flood control works, floodproofing, and flood plain management regulations.

SEC. 102.3.20 FLOODPROOFING. The term "floodproofing" means any combination of structural or nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

SEC. 102.3.21 FLOODWAY. The term "floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

SEC. 102.3.22 FLOODWAY FRINGE. The term "floodway fringe" means those portions of the Special Flood Hazard Area outside the floodway.

SEC. 102.3.23 HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

SEC. 102.3.24 HISTORIC STRUCTURE. Any structure that is:

1. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

SEC. 102.3.25 LOWEST FLOOR. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

1. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 102.6, subsection 4.a.

2. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100 year flood level, and

4. The enclosed area is not a "basement" as defined in this section.

5. In cases where the lowest enclosed area satisfies criteria 1,2,3, and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

SEC. 102.3.26 MAXIMUM DAMAGE POTENTIAL DEVELOPMENT Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergencies or other buildings or building complexes similar in nature or use.

SEC. 102.3.27 MINOR PROJECTS. Small development activities (except for filling, grading and excavating) valued at less than $500.

SEC. 102.3.28 NEW CONSTRUCTION. For flood plain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of flood plain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

SEC. 102.3.29 NEW FACTORY-BUILT HOME PARK OR SUBDIVISION. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

SEC. 102.3.30 RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SEC. 102.3.31 REPETITIVE LOSS. A structure covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceed 25% of the market value of the structure at the time of each such flood event.

SEC. 102.3.32 ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

1. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

2. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
3. Basement sealing;

4. Repairing or replacing damaged or broken window panes;

5. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SEC. 102.3.33 SPECIAL FLOOD HAZARD AREA. The land within a community subject to the "base flood". This land is identified as Zone A, A1-30, AE, AH, AO, AR, and/or A99 on the community's Flood Insurance Rate Map.

SEC. 102.3.34 START OF CONSTRUCTION. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.
The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.
Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SEC. 102.3.35 STRUCTURE. The term structure means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and other similar uses.

SEC. 102.3.36 SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SEC. 102.3.37 SUBSTANTIAL IMPROVEMENT. The term substantial improvement means any improvement to a structure which satisfies either of the following criteria:
1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the date of this code shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

SEC 102.3.38 VIOLATION The failure of a structure of other development to be fully compliant with the community's floodplain management regulations.

SEC. 102.3.39 MARKET VALUE.
1. Market value of a structure referred to in this section will be determined by using the value provided by the Bremer County Assessor. Should a property owner feel that the value provided by the

Bremer County Assessor is inaccurate, he/she may provide, for review and acceptance by the City, an appraisal from a certified appraiser.

Section 102.4 Establishment of Zoning Districts

SEC. 102.4.01 ESTABLISHMENT OF ZONING DISTRICTS. The flood plain areas within the jurisdiction of this code chapter are hereby divided into the following districts:

1. Floodway (Overlay) District (FW). The floodway district shall be consistent with the boundaries of the floodway as shown on the official Flood Plain Zoning Map.

2. Floodway Fringe (Overlay) District (FF). The floodway fringe district shall be those area as shown as floodway fringe on the official Flood Plain Zoning Map.

3. General Flood Plain (Overlay) District (FP). The general flood plain district shall be those areas shown on the official Flood Plain Zoning Map as being within the approximate base year flood boundary.

4. Shallow Flooding (Overlay) District (SF). The shallow flooding district shall be those area as shown on the official Flood Plain Zoning Map as being within the base flood boundary and identified on the Flood Insurance Rate Map as (AO or AH) zone(s).

Section 102.5 Floodway (Overlay) District (FW)

SEC. 102.5.01 PERMITTED USES. The following uses shall be permitted within the floodway district to the extent they are not prohibited by any other ordinance or underlying zoning district and provided they do not include placement of structures, factory built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse:

1. Agricultural Uses. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Industrial-Commercial Uses. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

3. Recreational Uses. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Residential Uses. Residential uses such as lawns, gardens, parking areas and play areas.

5. Remainder. Such other open space uses similar in nature to the above uses.

SEC. 102.5.02 PERFORMANCE STANDARDS. All floodway district uses allowed shall meet the following standards:

1. Prohibition. No development shall be permitted in the floodway district that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All development within the floodway district shall:

   a. Flood Damage. Be consistent with the need to minimize flood damage.

   b. Methods and Practices. Use construction methods and practices that will minimize flood damage.

   c. Resistant Materials. Use construction materials and utility equipment that are resistant to flood damage.

3. Capacity. No development shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

4. Structures.

   a. Structures, buildings, recreational vehicles and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe district and shall be constructed or aligned to present the minimum possible resistance to flood flows.

   b. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

5. Buildings. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Storage. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other materials may be allowed if readily removable from the floodway district within the time available after flood warning.

7. Watercourse. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.

8. Fill. Any fill allowed in floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline River Crossings. Pipeline river or stream crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

Section 102.6 Floodway Fringe (Overlay) District (FF)

SEC. 102.6.01 PERMITTED USES. All uses within the floodway fringe district shall be permitted to the extent that they are not prohibited by any other ordinance or underlying zoning district and provided they meet applicable performance standards of the floodway fringe district.

SEC. 102.6.02 PERFORMANCE STANDARDS. All development must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination:

1. Anchored Structures. All development shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.

2. Residential Buildings.
   a. Lowest Floor. All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the base flood elevation.

   b. Fill Construction. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above base flood elevation and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon.

   c. Elevation. Alternate methods of elevating such as piers may be allowed, subject to favorable consideration by the board of adjustment and issuance of a conditional use permit, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the 100 year flood.

3. Nonresidential Buildings.
   a. Lowest Floor. All new or substantially improved nonresidential building shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level.

   b. Certification. When floodproofing is utilized, a professional engineer registered in the state shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood elevation; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water.

   c. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the administrator.

4. All new and substantially improved structures.
   a. Lowest Floor. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria

(1) Openings. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) Grade. The bottom of all openings shall be no higher than one foot above grade.

(3) Equipped. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. Prevention of Flotation, Collapse, or Lateral Movement. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, ventilation equipment (including ductwork), air conditioning ,and other similar machinery and equipment elevated (or in the case of nonresidential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of nonresidential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

5. Factory-Built Homes:
   a. Anchored. All new and substantially improved factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

   b. Elevated. All new and substantially improved factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood ~~e~~levation.

6. Utility and Sanitary Systems.
   a. Infiltration. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

   b. On Site Waste Disposal. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

c. New or Replacement Water Supply Systems. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

d. Utilities. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or not be subject to major flood damage and be anchored to prevent movement due to flood waters or be readily removable from the area within the time available after flood warning.

8. Flood Control. Flood control structural works such as levees, floodwalls, etc. shall provide, at a minimum, protection from a base flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivisions. Subdivisions including factory-built home parks and subdivisions shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals including the installation of public utilities shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicle access which is no lower than one (1) foot below the base flood elevation. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

11. Accessory Structures to Residential Uses. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

a. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

b. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Section 102.6.02.4 of this ordinance.

g. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles
    a. Recreational vehicles are exempt from the requirements of SEC 102.6.02 (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
        (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

        (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

    b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SEC 102.6.02 (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum on one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

Section 102.7 General Flood Plain (Overlay) District (FP)

SEC. 102.7.01 PERMITTED USES.

1. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

2. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
a. The bridge or culvert is located on a stream that drains less than two (2) square miles, and
b. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

SEC. 102.7.02 PERFORMANCE STANDARDS.

1. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet applicable provisions and standards of the Floodway (Overlay) District (Section 102.5).

2. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 102.6).

Section 102.8 Shallow Flooding (Overlay) District (SF)

SEC. 102.8.01 PERMITTED USES. All uses within the shallow flooding district shall be permitted to the extent they are not prohibited by any other ordinance or underlying zoning district and provided that they meet the applicable performance standards of the shallow flooding district.

SEC. 102.8.02 PERFORMANCE STANDARDS. The performance standards for the shallow flooding district shall be the same as the performance standards for the floodway fringe district with the following exceptions:

1. AO Zone. In shallow flooding areas designated as an AO zone on the flood insurance rate map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the flood insurance rate map (or a minimum of 2.0 ft. if no number is specified) above the crown of the nearest street.

2. AH Zone. In shallow flooding areas designated as an AH zone on the flood insurance rate map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the flood insurance rate map.

3. In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.

Section 102.9 Administration

SEC. 102.9.01 ADMINISTRATOR. The Community Development and Zoning Specialist is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator. The

administrator shall enforce this chapter and have powers and duties which include the following:

1. Review Applications.
   a. Chapter. Review all flood plain development permit applications to insure that the provisions of this code chapter will be satisfied.

   b. Agencies. Review all flood plain development permit applications to insure that all necessary permits have been obtained from federal, state or local governmental agencies.

2. Records.
   a. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new and substantially improved buildings or the elevation to which new and substantially improved structures have been floodproofed.

   b. Administration. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this chapter.

3. Notice.
   a. Adjacent Communities and Counties. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.

   b. Federal Insurance Administrator. Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

4. Report. Submit to the Federal Insurance Administrator an annual report concerning the community's participation utilizing the annual report form supplied by the Federal Insurance Administrator.

5. Review. Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the council of potential conflicts.

6. Maintain the accuracy of the community’s Flood Insurance Rate Maps when:
   a. Development placed within the Floodway (Overlay) District results in any of the following
      (1) An increase in the Base Flood elevations, or
      (2) Alteration to the floodway boundary
   b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
   c. Development relocates or alters the channel. Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

7. Perform site inspections to ensure compliance with the standards of this Ordinance.

8. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

SEC. 102.9.02 FLOOD PLAIN DEVELOPMENT PERMIT.

1. Permit Required. A flood plain development permit issued by the administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

2. Application for Permit. Application for flood plain development permit shall be made on forms supplied by the administrator and shall include the following information.
   a. Work Description. Work to be covered by the permit for which application is to be made.

   b. Land Description. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.

   c. Use and Occupancy. Indication of the use or occupancy for which the proposed work is intended.

   d. Elevation. Elevation of the base Flood.

   e. Sea Level Elevation. Elevation in relation to North American Vertical Datum 1988 of the lowest habitable floor including basement of buildings or of the level to which a building is to be floodproofed.

   f. Improvements. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

   g. Information. Such other information as the administrator deems reasonably necessary for the purpose of this chapter.

3. Action on Permit Application. The administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this chapter and shall approve or disapprove the application. The administrator shall not issue permits for conditional uses or variances except as directed by the board of adjustment. For disapprovals, the applicant shall be informed, in writing of the specific reasons therefore.

4. Construction and Use to be as Provided in Application and Plans.
   a. Permits. Flood plain development permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction.

   b. Variance. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter and shall be punishable as provided by Section 102.10.02. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

SEC. 102.9.03 CONDITIONAL USES, APPEALS, AND VARIANCES.

1. Appointment and Duties of Board of Adjustment. The board of adjustment shall hear and decide: applications for conditional uses upon which the board is authorized to

   pass under this chapter, appeals and requests for variances to the provisions of this chapter, and shall take any other action which is required of the board.

2. Conditional Uses. Requests for conditional uses shall be submitted to the administrator, who shall forward such to the board of adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the board of adjustment.

3. Appeals.
   a. Error. Where it is alleged there is any error in any order, requirement, decision, or determination made by the administrator in the enforcement or administration of this chapter, the aggrieved party may appeal such action.
   b. Procedure. The notice of appeal shall be filed with the board of adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

4. Variances. The board of adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

   a. One Hundred Year Flood. No variance shall be granted for any development within the floodway district which would result in any increase in floods during the occurrence of the base flood. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

   b. Cause. Variances shall only be granted upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of the variance will not result in increased flood heights, additional threats to public expense, create nuisances, cause fraud on or victimization of the public.

   c. Minimum Necessary. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   d. Below minimum. In cases where the variance involves lower level of flood protection for buildings than what is ordinarily required by this code chapter, the applicant shall be notified in writing over the signature of the administrator that the issuance of a variance will result in increased rates for base flood insurance coverage, and such construction increases risks to life and property.

   e. I.D.N.R. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.

5. Hearings and Decisions of the Board of Adjustment.

a. Hearings. Upon the filing with the board of adjustment of an appeal, an application for a conditional use or a request for a variance, the board shall hold a public hearing. The board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Iowa Department of Natural Resources.

b. Decisions. The board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the board may, so long as such action is in conformity with the provisions of this code chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the board shall consider such factors as contained in this section and all other relevant sections of this code chapter and may prescribe such conditions as contained in Section 102.9.03 (5)(d).

c. Factors Upon Which the Decision of the Board Shall be Based. In passing upon applications for conditional uses or requests for variances, the board shall consider all relevant factors specified in other sections of this code chapter and:

(1) Encroachments. The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) Downstream. The danger that materials may be swept to other lands or downstream to the injury of others.

(3) Water/Sewer Systems. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) Proposed Facility. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) Services. The importance of the services provided by the proposed facility to the community.

(6) Flood Plain Location. The requirements of the facility for a flood plain location.

(7) Alternative Locations. The availability of alternative locations not subject to flooding for the proposed use.

(8) Compatibility. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) City Plans. The relationship of the proposed use to comprehensive plan and flood plain management for the area.

(10) Emergency Vehicles. The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) Expectation. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) Remainder. Such other factors which are relevant to the purpose of this code chapter.

d. Conditions Attached to Conditional Uses or Variances. Upon consideration of the factors listed above, the board may attach such conditions to the granting of conditional uses or variances as it deems necessary to further the purpose of this code chapter. Such conditions may include, but not necessarily be limited to:

(1) Modification. Modification of waste disposal and water supply facilities.

(2) Limitations. Limitation on periods of use and operation.

(3) Imposition. Imposition of operational controls, sureties, and deed restrictions.

(4) Construction. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this code chapter.

(5) Floodproofing Measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The board of adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

a. Anchorage. Anchorage to resist flotation and lateral movement.

b. Installation. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.

c. Reinforcement. Reinforcement of walls to resist water pressure.

d. Seepage. Use of paints, membranes, or mortars to reduce seepage or water through walls.

e. Structures. Addition of mass or weight structures to resist flotation.

f. Pumps. Installation of pumps to lower water levels in structures.

g. Water/Sanitary Systems. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.

h. Pumping Facilities. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.

i. Rupture. Construction to resist rupture or collapse caused by water pressure or floating debris.

j. Drains. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures.

k. Electrical Equipment. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

e. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

Section 102.10 Nonconforming Uses

SEC. 102.10.01 NONCONFORMING USES. A structure or the use of a structure of land which was lawful before the adoption or amendment of this code chapter but which is not in conformity with the provisions of this code chapter may be continued subject to the following conditions:

1. Enlargement. No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.

2. Alteration. No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed fifty (50) percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.

3. Discontinued Use. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the administrator in writing of instances of nonconforming uses which have been discontinued for twelve (12) months.

4. Destruction. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty (50) percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

5. Nuisances. Uses or adjuncts thereof which are or become nuisances shall not be enchaptered to continue as nonconforming uses.

6. Conditional Uses. Except as provided in Section 102.10, subsection 5, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

SEC. 102.10.02 PENALTIES. Violations of the provisions of this chapter or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of conditional uses or variances shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Waverly from taking such other lawful action as is necessary to prevent or remedy any violation.

SEC. 102.10.03 AMENDMENTS. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed as provided in the Code of Iowa, as amended. No amendment, supplement, change, or modification to this chapter shall be undertaken without prior approval from the Iowa Department of Natural Resources.

(replace Chpt 102, Ordinance 1086- 01/27/21)
(amend Chpt 102,Ordinance 1175, 02/24/26)

CHAPTER 103 SUBDIVISIONS

Sections:

103.1 General Provisions.

103.2 Definitions.
103.3 Procedural Requirements.
103.4 Plat Specifications.
103.5 Miscellaneous Provisions.
103.6 Design Standards.
103.7 Improvements.
103.8 Exceptions and Modifications.

Section 103.1 General Provisions

SEC. 103.1.01 SHORT CHAPTER. This chapter shall be known and cited as the "subdivision regulations" of the city.

SEC. 103.1.02 PURPOSE. The subdivision regulations as set forth in this chapter are intended to provide for harmonious development of the municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the comprehensive plan of the municipality; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience or prosperity; to ensure conformance of subdivision plans with the capital improvement program of the city and its planning area; and to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by sub-dividers and the planning and zoning commission and city council.

SEC. 103.1.03 JURISDICTION. The provisions of these regulations shall apply to all land located within the legal boundaries of the city, as the same may be amended by subsequent annexation, and shall also include all land lying within two miles of the city limits and not located in any other municipality.

This Ordinance is adopted under the authority Iowa State Code Section 354.9 and shall be recorded in the Office of the County Recorder and filed with the office of the County Auditor.

The standards and conditions applied by the City for review and approval of subdivisions outside the City's boundaries shall be the same standards and conditions used for review and approval of subdivisions within the City Limits. The City may by resolution waive its right to review a subdivision outside the City boundaries or waive the requirements of any of its standards or conditions for approval of such subdivision and certify the resolution which shall be recorded with the plat.

SEC. 103.1.04 POWERS. A plat of a subdivision of land lying within the planning area of Waverly shall not be filed or recorded until it has been submitted to, and a report and recommendation thereon made, by the planning and zoning commission to the council and the council has approved the final plat.

SEC. 103.1.05 INTERPRETATION OF REGULATIONS. In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

Section 103.2 Definitions

SEC. 103.2.01 DEFINITIONS GENERALLY. For the purpose of interpreting these regulations, certain terms are defined in this chapter. Words in the present tense include the future; the singular includes the plural and the plural includes the singular; and "shall" is mandatory and not directory.

SEC. 103.2.02 ALLEY. "Alley" means any right-of-way dedicated to vehicular travel, being sixteen and one-half feet or more but not greater than sixty feet in width, for secondary traffic.

SEC. 103.2.03 BUILDING SETBACK LINE. "Building setback line means a line indicating the minimum horizontal distance required between a building or structure and a street right- of-way line.

SEC. 103.2.04 COMMISSION. "Commission" means the planning and zoning commission of the city.

SEC. 103.2.05 COMPREHENSIVE PLAN. "Comprehensive plan" means a plan adopted or used by the council for the guidance of growth and improvements of the city and its planning area, including modifications or refinements which may be applied from time to time.

SEC. 103.2.06 CUL-DE-SAC. "Cul-de-sac" means a short street having one end open to vehicular traffic and the other end permanently terminated by a vehicular turnaround.

SEC. 103.2.07 EASEMENT. "Easement" means a grant by the owner of the use of land to a person or persons, or the general public, for a specified purpose.

SEC. 103.2.08 ENGINEER. "Engineer" means a registered engineer authorized to practice engineering and surveying in the state.

SEC. 103.2.09 HIGHWAY. "Highway" means a major street which carries a large volume of traffic (usually state and federal routes).

SEC. 103.2.10 IMPROVEMENTS. "Improvements" means pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings and other items for the welfare of the property owners and the public.

SEC. 103.2.11 LOT. "Lot" means a parcel of land intended as a unit for transfer of ownership or for development having its frontage upon one or more streets.

SEC. 103.2.12 LOT, CORNER. "Corner lot" means a lot fronting on two intersecting streets.

SEC. 103.2.13 LOT OF RECORD. "Lot of record" means a lot which is a part of a legal subdivision of the city, the plat of which has been recorded in the Office of the County Recorder, or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the Office of the County Recorder prior to the effective date of this ordinance codified in this chapter.

SEC. 103.2.14 THROUGH LOT. "Through lot" means an interior lot having frontage on two parallel or approximately parallel streets.

SEC. 103.2.15 MAJOR STREET PLAN. "Major street plan" means a plan, as may be adopted by the council for the guidance of alignment, function and improvements of city street, including modifications or refinements which may be made from time to time.

SEC. 103.2.16 PERFORMANCE GUARANTEE. "Performance guarantee" means a surety or cash deposit made out to the city in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the city council or its designate and the surety or cash deposit being legally sufficient to secure to the city that the improvements will be constructed in accordance with these regulations.

SEC. 103.2.17 PERSON. "Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee or other similar representative thereof.

SEC. 103.2.18 PLANNING AREA. "Planning area" means the city and a two-mile surrounding area.

SEC. 103.2.19 PLAT. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.

SEC. 103.2.20 PLAT, FINAL. "Final plat" means a finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.

SEC. 103.2.21 PLAT, PRELIMINARY. "Preliminary plat" means a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects (but not drafted in final form for recording) and the details of which are not completely computed.

SEC. 103.2.22 RIGHT-OF-WAY. "Right-of-way" means a strip of land separating private property from the street or alley existing or dedicated in public ownership.

SEC. 103.2.23 STREET. "Street" means a public thorough-fare having a right-of-way of fifty feet or more in width.

SEC. 103.2.24 STREET, COLLECTOR. "Collector street" means a street which carries traffic from a local street to a major street and is so designated on the major street plan for the city planning area.

SEC. 103.2.25 STREET, DEAD-END. "Dead-end street" means a short street having one end opened to vehicular traffic and the other end terminated, but not with a vehicular turnaround.

SEC. 103.2.26 LOCAL. "Local street" means a street which is used primarily for access to abutting properties.

SEC. 103.2.27 STREET, MAJOR. "Major street" means a street of considerable continuity connecting various sections of the city, and is so designated on the major street plan for the city planning area.

SEC. 103.2.28 SUBDIVIDER. "Subdivider" means any person, firm or corporation undertaking the subdivision or resubdivision of a tract or parcel of land for the purpose of laying out a platted addition or subdivision of land.

SEC. 103.2.29 SUBDIVISION. "Subdivision" means:

1. A division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll at the time of adoption of the ordinance codified in this chapter into three or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership;

2. The improvement of one or more parcels of land for residential; commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets; or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; provided, however, that any division of land for agricultural purposes into lots or parcels of five acres or more shall not be deemed a subdivision unless street dedications, easements, improvements or other public facilities are involved.

    a. This definition shall be held to include resubdivision and, when appropriate to the context, relate to the process of subdividing or to the land or territory subdivided.

SEC. 103.2.30 SUBDIVISION, MAJOR. "Major subdivision" means any subdivision other than a minor subdivision.

SEC. 103.2.31 SUBDIVISION, MINOR. "Minor subdivision" means a subdivision in which no land is dedicated for street purposes other than street widening.

SEC. 103.2.32 SURVEYOR. "Surveyor" means any person registered to practice surveying in the state.

Section 103.3 Procedural Requirements

SEC. 103.3.01 PREAPPLICATION. Prior to the subdivision of any land, the subdivider or subdivider's agent shall prepare a sketch plan and shall discuss informally with the city administrator the property proposed for subdivision, with reference to these subdivision regulations and procedures, zoning regulations and controls, and the city's comprehensive and major street plans.

SEC. 103.3.02 PRELIMINARY PLAT APPROVAL. The subdivider shall cause to be prepared a preliminary plat of any proposed subdivision and shall submit paper and electronic copies of the preliminary plat to the commission for its study and approval. The preliminary plat shall contain such information and data as is outlined in Section 103.4.01.

1. The appropriate city officials, shall also examine the proposed plat in terms of its compliance with all laws and regulations of the city, the existing street system, and sound engineering practices, and shall at next commission meeting scheduled within not less than 15 days, submit its findings to the commission.

2. The commission, upon receiving the city officials' report, shall conclude its study of the preliminary plat and shall recommend approval or disapproval of the preliminary plat to city council, within sixty days. Approval of the preliminary plat by the commission expires at the end of twelve months unless a final plat has been approved.

3. Upon approval of the preliminary plat by the city council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications.

4. However, approval of the preliminary plat by the council is revocable and does not constitute final plat approval of the subdivision by the city council or the council's authorization to proceed on construction of improvements within the subdivision.

SEC. 103.3.03 FINAL PLAT APPROVAL. Prior to submitting the final plat to the commission for its approval, the subdivider shall furnish all data and information as listed in Section 103.4.02 necessary for a detailed engineering consideration of the improvements required. A plat meeting the minor subdivision requirements will be required to provide only such information as required by the city administrator.

1. For final plat approval, the subdivider shall submit to the city.

    a. Paper and electronic of the final plat;

    b. Copy of restrictive covenants;

    c. One copy of the certified approved plans, profiles, cross-sections and specifications;

2. The commission shall approve or disapprove the final plat within 60 days after the date of submission thereof to the commission, unless the applicant consents to a time extension. Approval of the commission shall be endorsed in writing on the final plat by a dated signature of the chairman and secretary. No action by the commission within 60 days shall construct approval by the commission.

3. Approval of the final plat by the commission is revocable and does not constitute final approval or acceptance of the subdivision by the city council.

SEC. 103.3.04 FINAL PLAT ACCEPTANCE.

1. When the final plat has been passed favorably by the commission, 10 copies of the final plat shall be transmitted to the city council together with a certificate showing the action of the commission and the performance guarantee.

2. The final plat submitted to the council shall be approved or disapproved within 45 days after submission thereof; provided, however, that the applicant for the approval may consent to the extension of such period. The grounds of disapproval of a final plat shall be stated upon the records of the council.

3. When the final platting proceedings have been approved by the city council, the performance guarantee accepted, and seven copies delivered to the city clerk, one certified copy shall be provided to the subdivider for filing with the county recorder.

4. If the final plat is not duly recorded within six (6) months after approval by the council, the plat shall be considered null and void.

5. Approval of the final plat by the city council shall not be deemed to constitute or effect an immediate acceptance by the city or county of any dedication of any street or other public ground shown on the final plat. (See Section 103.7.19.)

6. Upon receipt of the duly certified copies of the final plat, the city administrator shall transmit copies of the plat, upon which have been placed the official lot and block numbers as determined by the council, to all local public utility companies.

7. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements. No work shall be done on the subdivision and no lots shall be sold prior to the subdivider's receipt of the duly certified final plat, unless with the written approval authorized by the city council.

8. The city council will return the performance guarantee to the subdivider upon its certification of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the city council or county supervisors. Prior to this certification, the subdivider shall also file with the city council plans, profiles and cross-sections of the required improvements as they have been built.

Section 103.04 Plat Specifications

SEC. 103.4.01 PRELIMINARY PLAT SPECIFICATIONS. The preliminary plat shall be drawn to a scale of one inch to one hundred feet or larger; shall be plainly marked "preliminary plat," and shall include, show or be accompanied by the following information:

1. The proposed name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion;

2. The names and addresses of the owner and subdivider, and the engineer, surveyor or landscape architect responsible for the survey or design;

3. The legal description of the area being platted;

4. The boundary line (accurate in scale), dimensions and location of the property to be platted, and the location of section lines; contours, with intervals of five feet or less; and the approximate acreage of the property to be platted;

5. A date, scale and north point, and a key map showing the general location of the proposed subdivision in relation to surrounding development;

6. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;

7. Location of property lines and the width and location of platted streets or alleys within or adjacent to the property; physical features of the property, including location of watercourses, ravines, bridges, culverts, present structures and other features affecting the subdivision; and the location of all existing utilities with their sizes indicated. The outline of wooded areas or the location of important individual trees may be required;

8. The layout or location, number or names, and dimensions or widths of all proposed lots, of all building setback lines and easements, and of all streets, alleys and grounds proposed to be dedicated for public use;

9. The location and width of proposed streets, roads, lots, alleys and other features, and their relation to streets and alleys in adjacent subdivisions. If there are no adjacent subdivisions, then the key map shall show the location and distance to adjoining land and how the streets, alleys or highways in the subdivision offered for approval may connect with those in the adjoining properties;

10. Where a tract of land proposed for subdivision is part of a larger logical subdivision unit under ownership of the subdivider, the commission may require the subdivider to have prepared a proposed plan of the entire area, such plan to be used by the commission and the council as an aid in further judging the proposed plat;

11. The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated;

12. Written and signed statements of the appropriate officials, obtained by the developer, of the availability and planning for gas, sewer (storm and sanitary), electricity and water to and inside the proposed subdivision;

13. Any restrictive covenants proposed to be included in the owner's declaration of plat.

SEC. 103.4.02 FINAL PLAT SPECIFICATIONS. The final plat shall be legibly drawn at a scale of one inch to one hundred feet and in ink on a suitable permanent base as specified by the city council. The final plat shall include, show or be accompanied by the following information:

1. The chapter under which the subdivision is to be recorded;

2. The name or names of the owners and subdivider

3. A date, scale and north point (and a key map showing the general location of the proposed subdivision);

4. The legal description of the area being platted;

5. Accurate distances and bearings of all boundary lines of the subdivision, including all sections and U.S. Survey and Congressional township lines;

6. Centerlines of all proposed and adjoining streets with their right-of-way widths and names;

7. Lines of all lots with systematic method of numbering to identify all lots and blocks;

8. All building setback lines and all easements provided for public service, together with their dimensions and any limitations of the easements;

9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot;

10. All radii, arcs, points of tangency, central angles and lengths of curves;

11. All survey monuments and benchmarks, together with their description;

12. Certification by a surveyor or engineer to the effect that the final plat represents a survey made by him, and that all the necessary information is correctly shown thereon;

13. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivisions;

14. Private restrictive covenants and their period of existence, if any;

15. A certification of approval by the health officer of the city, county or state (whichever is applicable) where public water and public sewer are not available;

16. Construction drawings with sewer and water profiles, cross-sections and specifications subject to certification and approval of the city council;

17. A waiver of claim for damages occasioned by the establishment of grades or the alteration of any portion of the land surface to conform to the grades so specified by the city council;

18. The estimated cost of all improvements for determination of the amount of the performance bond shall be made by the subdivider's engineer and shall be subject to review, approval and certification by the city council;

19. Signature and date spaces for approval of the commission chairman and secretary and also the mayor and city clerk, along with a space for the chairman of the respective board of county supervisors if the subdivision is outside the city limits.

Section 103.5 Miscellaneous Provisions

SEC. 103.5.01 CONFORMANCE TO THE COMPREHENSIVE PLAN. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to best conform with any recommendations of the comprehensive plan. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

SEC. 103.5.02 CONFORMANCE TO THE MAJOR STREET PLAN. Unless otherwise approved by the commission and council, provision must be made for the extension of major and collector streets as shown on the major street plan of the city, and local streets must provide free circulation within the subdivision.

1. The system of streets designated for the subdivision, except in unusual cases, must align with streets already dedicated in adjacent subdivisions, and, where no adjacent connections are platted, must in general be the reasonable projection of streets in the nearest subdivisions, and must be continued to the boundaries of the tract subdivided so that other subdivisions may connect therewith.

2. Right-of-way providing for the future opening and extension of such streets as outlined in subsection 1 of this section may, at the discretion of the commission, be made a requirement of the plat.

3. Off-center street intersections will not be approved except in unusual cases.

4. In general, streets shall be of a width at least as great as that of the streets so continued or projected.

5. Local streets shall be arranged so as to discourage through traffic.

SEC. 103.5.03 ACREAGE SUBDIVISIONS. Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent collector and local streets.

SEC. 103.5.04 ACCESS. Every lot within a subdivision shall front on a publicly dedicated street, except as provided for in Chapter 100 of this code.

SEC. 103.5.05 SUITABILITY OF THE LAND. Land subject to flooding, improper drainage and erosion, or any land deemed to be topographically unsuitable for residential use, may be platted but not used for residential occupancy or any other uses unless measures are taken to diminish the danger to health, safety, life and property as approved by the city council.

Section 103.6 Design Standards

SEC. 103.6.01 STREETS AND ALLEYS.

1. The location and right-of-way widths for streets shall conform to the major street plan and to all subsequent amendments or additions thereof, as adopted by the city council. Minimum design standards for street installation shall conform to "A policy on Geometric Design of Highways and Streets," latest edition published by the American Association of State Highway and Transportation Officials (AASHTO).

2. Classification Table.

	Right-of-Way (min. ft.)	Horizontal Radius (min. ft.)	Tangents (min. ft.)
Arterial/Major St.	100	1000	500
Collector/Industrial St.	70	350	200
Local/Residential St.	60	150	100

3. A street centerline which deflects more than two degrees shall be connected by a curve with a horizontal radius, in accordance with subsection 2 of this section.

4. The length of street centerline tangents between reverse curves shall be in accordance with subsection 2 of this section.

5. The minimum right-of-way width of an alley in a residential block when required because of unusual conditions shall be twenty feet. A ten foot cut-off shall be made at all acute and right-angle alley intersections. Dead-end alleys shall be prohibited.

6. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of all rear lot lines and side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utilities.

7. To the degree possible depending on individual circumstances, acceptance of proposed plats shall include right-of-way dedications or supplemental right-of-way dedications which will adhere to the standards in this section.

8. No dedication of a half street will be permitted unless by special approval of the city council. If said special approval is granted, the dedicated half street shall not be less than forty feet in width, and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated.

9. No dead-end streets shall be approved unless the streets are provided to connect with future streets in adjacent land and are dedicated to the city.

10. Reserve strips controlling access to streets are prohibited, except where control of such strips is placed with the city.

11. Cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connected streets. Cul-de-sacs shall provide proper access to all lots, shall not exceed five hundred feet in length, and shall be terminated with a turnaround having a minimum right-of-way radius of sixty feet.

12. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than sixty degrees. The intersection right-of-way lines at all street intersections shall be rounded by a minimum radius of twenty feet, unless a greater radius is required by the council. Detailed designs of intersections may be required.

13. Street jogs with centerline offsets of one hundred twenty-five feet or less shall not be permitted.

SEC. 103.6.02 BLOCKS.

1. Residential blocks shall not be less than three hundred feet nor more than twelve hundred feet in length, except as the council considers necessary to secure efficient use of land or to achieve desired features of the street system. In blocks over eight hundred feet long, the council may require public crosswalks across the block. Such crosswalks shall have a minimum easement width of ten feet.

2. Residential blocks shall be deep enough to provide two tiers of lots of at least minimum depth, except where prevented by topographical conditions or size of the property, in which case the commission may recommend a single tier of lots of at least minimum depth to the city council.

3. Blocks for commercial use should generally not exceed five hundred feet.

SEC. 103.6.03 LOTS.

1. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography, drainage, sanitation and the character of adjacent development.

2. Insofar as practical, side lot lines shall be perpendicular or radial to street right-of-way lines.

3. The size, shape and orientation of every lot shall be subject to approval of the council for the type of development and use contemplated. No lot shall be more than four times as deep as it is wide, nor shall any lot average less than one hundred feet deep.

4. The minimum dimensions for lots shall conform to Chapter 100 of this code unless the council, for special reasons, including absence of utilities, approves otherwise.

5. Lot widths shall be measured at the minimum building setback line as specified by front yard requirements indicated in Chapter 100 of this code.

6. New lots shall have a minimum width as indicated in Chapter 100, except in such cases as dead-end streets or cul-de-sacs, where the commission may recommend modifications according to Section 103.8.01.

7. Corner lots shall be at least fifteen feet wider than the minimum lot width, as cited in Chapter 100, in order to allow for side building setback lines.

8. Double frontage lots shall be prohibited, except that the council may approve said frontage lots where it is essential to provide separation of residential development from major traffic streets or to overcome specific disadvantages of topography.

    a. Building setback lines shall be established on both frontages.

    b. A ten foot buffer easement may be required along the lot lines abutting such major street or disadvantageous uses such as railroads and there shall be no right of access across the buffer easement, thus eliminating traffic conflict onto major streets.

9. Building setback lines shall be shown on all lots intended for residential, commercial and industrial uses. Such building lines shall not be less than the requirements of applicable district in Chapter 100.

10. Size, shape and arrangement of commercial and industrial lots, where platted, shall be subject to the approval of the council.

SEC. 103.6.04 EASEMENTS.

1. Where there are no street or alleys, easements of at least five feet in width shall be provided on each side of all rear lot lines and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utilities. When the subdivider does not own adjoining land and cannot obtain an additional easement of five feet in width from the adjoining owner, a minimum easement of ten feet in width shall be provided.

2. An adequate easement may be dedicated along all well-defined watercourses for the purpose of widening, deepening, sloping, improving or protecting the stream for future drainage purposes.

SEC. 103.6.05 DRAINAGE.

1. Grading shall be designed so that all surface water shall be conducted to a street storm sewer or to a natural watercourse.

2. No watercourse shall be altered so as to divert surface drainage from one watershed to another. No obstruction shall be permitted in natural watercourses, unless the obstruction meets with the approval of the city council. All watercourses shall be designed and improved by the subdivider.

3. The development of areas subject to periodic flooding, poor drainage or other unsuitable physical conditions is prohibited unless rendered suitable by satisfactory improvements.

4. Developers, contractors, or owners of property who are constructing improvements that require storm water management permits from the Iowa Department Natural Resources shall provide the City of Waverly Public Works Department:

    a. A copy of the Iowa Department of Natural Resources Natural Pollutant Discharge Elimination System (NPDES) application.

    b. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and any revisions or amendments to said document.

    c. A copy of all correspondence with the IDNR relating to the NPDES permit.

    d. A copy of all storm water construction site inspection reports.

    The above information provided to IDNR shall be copied to the City. Construction site inspection reports shall be available to the City upon request.

SEC. 103.6.06 RESTRICTIVE COVENANTS. Where any restrictive covenants are anticipated in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety and general welfare of the community, or are inconsistent with the comprehensive plan or major street plan, the city council may deem these grounds for disapproval of the subdivision plat.

SEC. 103.6.07 PARKLAND DEVELOPMENT. Because new residential development benefits from the existing city park system and because new residential development contributes to the use and demands upon the park system developers of all new residential subdivisions in the City of Waverly shall contribute to the development and support of public parks and playgrounds within the City as provided in this section.

1. Cash donations to the city shall be required of developers of residential subdivisions, planned developments, or factory built home developments smaller than 20 acres in accordance with the following schedule:

    a. For each lot in an R-1 zoning district $300.00.

b. For each lot in an R-2 zoning district $600.00.

c. For each acre of R-3/ R-4 zoning, Planned Development or factory built home development - $900.00. The fee is based upon the gross acreage of the developed area excluding public right-of-way and undevelopable drainage detention areas.

The foregoing cash donation shall be paid at the time final plat or plan approval by City Council and held in a separate account for the purchase of parkland or park improvements.

In addition, for each living unit of R3 and R4 zoning, $100.00 shall be payable at the time of issuance of a building permit.

2. The city may in its sole discretion in lieu of cash donation require the developer of a new residential subdivision in the City to donate to the city not less than 5% of the gross area of all properties subdivided to be dedicated to public use for parks or playgrounds. The land donation required in lieu of cash shall be 5% of the gross area of the planned development district. The location of the property donated shall be subject to approval by the City and the fair market value of the dedicated property at the time of platting shall not be less than the cash donation requirement that would be required from the developer under subsection 1 of this section.

3. Land donation for residential subdivisions of 20 acres or more shall be not less than 5% of the gross area of all properties subdivided to be dedicated to the public use of parks and playgrounds. The location of the property donated shall be subject to approval by the City and the fair market value of the dedicated property at the time of platting shall not be less than the cash donation requirement that would be required from the developer under subsection 1 of this section.

   In case that dedicated land does not fit into the Public Parks and Playgrounds Plans or the land use is deemed inappropriate, then cash may be required according to the fee schedule in subsection 1 of this section.

4. Donations of cash or land shall be reviewed by the Leisure Services Commission and the Planning and Zoning Commission, and approved by the City Council.

5. In the event a subdivision or planned development that has been assessed a parkland development fee within the previous 10 years is replatted or rezoned to increase the numbers of lots or family units in the subdivision or planned development from the number of lots upon which parkland fees were originally assessed, the owner of the effective lots shall pay parkland dedication fees in accordance to subsection 1 for each additional lot or family unit.

6. This ordinance will be reviewed in the year 2000 and each five years thereafter.

Section 103.07 Improvements

SEC. 103.7.01 AUTHORIZATION. Before the final plat of any subdivided area is accepted by the commission and approved by the council, the subdivider shall guarantee the construction of all improvements in accordance with the approved plans and specifications and insure completion of the improvements within a specified time, as determined by the city council.

1. Receipt of the signed copy of the preliminary plan by the commission is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required. Prior to the construction of any improvements the subdivider shall furnish the city council all such plans, information and data necessary for the construction of the improvements. These plans shall be examined by the city council and will be approved, if in accordance with the necessary requirements and existing city policy.

SEC. 103.7.02 UNAPPROVED STREETS. The city shall not accept, lay out, open, improve, grade, pave, curb or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of the planning area, unless such street has been accepted or opened as or has otherwise received the legal status of a public street, unless such street corresponds with a street on a subdivision plat approved by the council. The council may accept any street not shown on or not corresponding with a street on the comprehensive plan or on any approved subdivision plat or an approved street plat, provided the ordinance or other measure accepting such street is first submitted to the council for its acceptance and ultimate responsibility for maintenance according to subsequent capital improvements program.

SEC. 103.7.03 APPROVED STREETS. Streets shall be constructed or reconstructed on approval of the respective level of government and according to the provisions set forth in Sections 103.7.04 through 103.7.07.

SEC. 103.7.04 STREET GRADING. Streets shall be graded to the full width of the right-of- way, and shall be filled, excavated or constructed in accordance with specifications adopted by the council.

SEC. 103.7.05 ROADWAY SURFACE. Roadway surfacing widths shall be in conformance with the minimum standards as set to approval by the city council with minimum specifications listed hereafter:

1. Classification table.

	Surface Width (minimum feet)	Surface Type (minimum)
Arterial / Major Street	31	Concrete or Asphalt
Collector / Industrial Street	37	Concrete or Asphalt
Local / Residential Street	29	Concrete or Asphalt

Minimum geometric design standards shall conform to AASHTO as noted in Section 103.6.01 (1).

2. Streets not intended for paving shall have a minimum gravel or crushed rock surface thickness of not less than ten inches, if required by council and/or board of county supervisors.

3. Street surface intersections shall be rounded by an arc, the minimum radius shall be twenty-five feet or the shortest distance from pavement to the nearest property line. Where streets meet at acute angles, the foregoing minimum radii may be increased based on a review by the City Council or Board of County Supervisors.

4. The surface area in a cul-de-sac shall be constructed with a radius of not less than the minimum surface width of the street.

5. Higher standards for the surfaces of streets serving commercial and industrial areas may be required.

SEC. 103.7.06 CURBS AND GUTTERS. Curbs and gutters shall be required on all streets. A standard curb and gutter section shall be constructed in accordance with city standards and specifications.

SEC. 103.7.07 SIDEWALKS. Sidewalks shall be provided in the City in all **new** subdivisions and shall be located parallel to and at least twelve (12) inches within the street right-of-way line **and shall be a minimum of four feet wide.** The sidewalk installation shall be completed by the current property owner at the time of home or building construction and prior to the issuance of a **final** occupancy permit.

The City Council shall review the areas in subdivisions of uninstalled sidewalk on a cyclical basis at which time the City Council can direct the installation of the sidewalks at the current property owner's expense. Costs shall be billed to the property owner and if not paid within 30 days said unpaid costs shall be assessed against the property. The first City Council review shall be four (4) years following **acceptance of final improvements** final plat approval and every two (2) years thereafter.
Sidewalk completion in existing subdivisions shall be reviewed by the City Council on a cyclical basis every two years following the effective date of this ordinance.

SEC. 103.7.08 WATER DISTRIBUTION. Where the city water system is within five hundred feet of a proposed subdivision and along an accessible easement or street right-of-way, the subdivider shall install or have installed a system of water mains and connect the supply, in accordance with city water main extension policy, providing:

1. A connection to each lot shall be installed prior to the paving of the street.

2. The council may require the installation of water mains which are in excess of the subdivision design needs. In this event the subdivider shall be responsible for all costs of water main installation attributable to installing mains up to eight inchesin diameter. The city shall be responsible for costs in excess of eight inch main installation.

3. The council may require, for future connection, installation of water mains and a system in conformity with the city water system although the subdivision is not actually connected to the same.

4. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one acre and minimum lot width of one hundred feet. The design of any such system shall be subject to the approval of the county health officer. The water system should also meet city standards to permit connection to the city system.

5. Where it is feasible and practical for an adequate private water supply to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any such individual water supply system to comply with the requirements of the State Department of Health.

6. The person developing the land is responsible for extending the public water system through the development to the adjacent property for the benefit of future development. (amended by Ordinance 1154, adopted 09/16/2024 and Published 09/24/2024)

SEC. 103.7.09 SANITARY SEWAGE DISPOSAL. Where a public sanitary sewer is within five hundred feet of the subdivision and along an accessible easement or street right-of-way, the subdivider shall connect with the sewer and provide a connection to each lot, providing:

1. Such sanitary sewage system shall be installed prior to the installation of the street pavement.

2. The council may require the installation of sanitary sewer lines which are in excess of the subdivision design needs. In this event the subdivider shall be responsible for all costs of sewer main installation attributable to installing mains up to eight inch diameter. The city shall be responsible for costs in excess of eight inch sewermains.

3. Where a public sanitary sewer is not accessible, each lot in the subdivision shall be serviced by either a disposal plant system or a septic tank with proper provision for the maintenance thereof. Any lot so serviced shall have a minimum area of one acre and minimum lot width of one hundred feet. The design and location of either system shall be subject to the approval of the State Department of Health, or county health officer, whichever is applicable.

4. Where it is feasible and practical for an adequate sewage disposal system to be made available for every lot, the subdivider shall present evidence to this effect and include deed restrictions on the final plat requiring any such individual sewage disposal system to comply with the requirement of the State Department of Health.

5. The person developing the land is responsible for extending the public sanitary sewer system through the development to the adjacent property for the benefit of future development.

(amended by Ordinance 1154, adopted 09/16/2024 and Published 09/24/2024)

SEC. 103.7.10 STORM DRAINAGE. Adequate provision shall be made for the drainage of storm water providing adequate storm drainage system may be required in accordance with the following:

1. Classification	Storm Drainage (minimum type)
Arterial/Major St.	Curb/Gutter
Collector/Industrial St.	Curb/Gutter
Local/Residential St.	Curb/Gutter

2. Storm sewers shall be installed prior to the installation of the street pavement.

3. The council may require the installation of storm sewer lines which are in excess of the subdivision design needs and mutually establish with the subdivider a pro rata distribution cost to be shared by the city or other persons and the subdivider.

4. Where a natural watercourse intersects a street, a bridge or culvert shall be installed for the full width of the right-of-way and shall be constructed in accordance with the city standards and specifications adopted by the council subject to the rights of adjoining property owners if applicable.

5. Where driveway culverts are to be installed on major, collector and local streets, they shall have a minimum length of twenty feet, extend a minimum of four feet beyond the outer edge of each shoulder, and shall be constructed in accordance with the standards and specification adopted by the council.

6. Whenever drainage ditches are used, such ditches shall retain natural topographic characteristics and be so designed that they do not present a hazard to health, safety, life or property.

7. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot.

8. No lot shall be platted to obstruct the natural waterflow.

SEC. 103.7.11 OTHER UTILITIES.

1. All utilities to be installed in a public right-of-way shall be located in the grass plat between the curb line or edge of pavement and the street right-of-way line. If stubs to the property line are not installed then connections between the lots and the utility ines shall be made without breaking into the wearing surface of the street.

2. All extensions and installations of all other utilities shall be in accordance with current city policy as exists at the time of installation or extension of the particular utility.

3. All other utilities including electrical, telephone and cable television shall be installed underground.

SEC. 103.7.12 FIRE HYDRANTS. Fire hydrants shall be placed so that no lot in a residential subdivision is more than three hundred feet from two fire hydrants, the distance to be measured along street lines, provided water mains are available. The council in the city may require special spacing in commercial and industrial districts.

SEC. 103.7.13 MONUMENTS. All subdivision boundary corners, points of curvature, angles and intersections of street centerlines shall be marked with permanent monuments subject to the approval by the city council, according to the following minimum provisions:

1. Monuments shall be of concrete at least four inches in diameter or square, four feet long, with a flat top. Top of monument shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade.

2. All lot corners shall be marked with metal pins not less than 5/8 inch in diameter and thirty inches long and driven so as to be flush with the finished grade.

3. Installation of monuments and pins shall be certified by a surveyor. Where circumstances prohibit the installation of monuments or pins at the time of filing the final plat, a written certification by the owner shall be included on the plat stating that no lot will be sold until the monuments or pins are placed by a surveyor.

4. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.C. and G.S. datum and accurately noted on the subdivision plat.

SEC. 103.7.14 LOT CONDITIONS. The owners of lots, including the subdivider, shall be responsible for keeping the lot mowed and free of weeds and debris, and no improvements in the subdivision shall be accepted by the city council until a performance guarantee is entered into by the city and the subdivider for the maintenance and mowing of any unsold lots which are still owned by the subdivider. Any unsold lots shall be graded so as to be suitable for mowing with a rotary mower.

SEC. 103.7.15 OTHER IMPROVEMENTS. The council may require the installation of other recommended improvements, constructed in accordance with standards and specifications as approved and adopted by each group.

SEC. 103.7.16 CONSTRUCTION SPECIFICATIONS. All subdivision improvements shall be constructed in accordance with the standards and specifications of the State of Iowa where, state specifications are more restrictive than from city specifications, or where there are no city specifications.

SEC. 103.7.17 CONSTRUCTION INSPECTION. Inspection shall be required for water main systems, sanitary sewer systems, storm sewers, curbs, gutters, subgrade, pavement and sidewalks and other improvements as required.

1. The city council shall designate the appropriate department to be responsible for the inspections.

2. The subdivider shall notify the designated department one week prior to the start of the construction, and upon completion of the improvements and the subdivider shall notify the department in writing.

SEC. 103.7.18 CONSTRUCTION GUARANTEE. The subdivider shall provide one of the following guarantees for the completion of improvements subject to approval by the council according to the following procedures:

1. Subdivision Bond. The subdivider shall post with the city council a bond equal to the city council's approved estimate of the cost of construction, in favor of the council, guaranteeing satisfactory completion of all improvements, whether within the city or planning area, in a period not exceeding two years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the state.

2. Cash Bond. The subdivider shall deposit in cash on the order of the city council an amount equal to the city council's approved estimate of the cost of construction of all improvements. Progress payments may be made to the subdivider or his contractor, as work progresses on the written order of the city council.

3. Letter of Credit. Subject to discretionary prior approval of the city council, the subdivider shall deliver to the city council an irrevocable specific letter of credit of an Iowa bank holding forth to the draw of the city a sum equal to the city council's approved estimate of the cost of construction.

4. Guarantee Certificate. A final plat shall contain a guarantee by the subdivider that he will complete at his own expense all required improvements in accordance with approved plans and specifications within a period of two years after approval of the final plat.

SEC. 103.7.19 IMPROVEMENT ACCEPTANCE. The subdivider, upon completion of all the improvements, shall request in writing a final inspection by the inspector, and including the following:

1. The inspector shall make a final inspection of all streets, utilities and other improvements as required.

2. The subdivider shall maintain road improvements, water improvements, sewer improvements for four years, and all other improvements for two years after completion as verified by the inspection. Maintenance shall be guaranteed by cash deposited with the city council or by the posting of a maintenance bond in favor of the city council both in the amount of ten percent of the estimated cost of the improvements.

3. The city council, may by resolution accept streets, easements, other public lands, sanitary sewer facilities and other improvements after receipt of a written notice of a satisfactory final inspection and the posting of a maintenance guarantee by the subdivider.

Section 103.8 Exceptions and Modifications

SEC. 103.8.01 MODIFICATIONS. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography, or other such non- self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the city council, after report by the commission, may vary, modify or waive the requirements so that substantial justice may be done and the public interest may be secured; provided, however, that such variance, modification or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision, will not have the effect of nullifying the intent and purpose of the regulations, and will not interfere with carrying out the comprehensive plan of the planning area of the city.

SEC. 103.8.02 APPROVAL. In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified. Such variances and waivers may be granted only on the affirmative vote of five (five-sevenths) of the members of the city council.

CHAPTER 104

(Amended this Chapter by Ordinance 1131, Published 10/10/2023)

PUBLIC OFFENSES

Sections:

Section 104.1	Public Offenses.
Section 104.2	Public Peace.
Section 104.3	Public Morals.
Section 104.4	Public Health and Safety.
Section 104.5	Obstructing Justice.
Section 104.6	Public Property.
Section 104.7	Park Rules.
Section 104.8	Private Property.
Section 104.9	Alcohol and Beer.
Section 104.10	Drug Paraphernalia and Controlled Substances.

Section 104.1 Public Offenses

SEC. 104.1.01 ACT. The term "act" includes a failure to do any act which the law requires one to perform.

SEC. 104.1.02 PUBLIC OFFENSE DEFINED. A "public offense" is that which is prohibited by ordinance classified as a public offense in this chapter and punishable by fine. An offense classified as a public offense under this chapter shall be a simple misdemeanor.

SEC. 104.1.03 MISDEMEANOR PENALTY.

1. *Criminal Penalty*. The doing of any act prohibited or declared to be unlawful, an offense or a simple misdemeanor by this code or any ordinance or code herein adopted by reference, or the omission or failure to perform any act or duty required by this code or any ordinance or code herein adopted by reference, is a simple misdemeanor and is, unless another penalty is specified, or the violation is scheduled under state law, punishable by a penalty with a fine prescribed in Section 903.1(1)(a) of the Iowa Code.

2. *Scheduled Violation.* Where a violation of this Code is a scheduled violation under state law, the penalty for such violation shall be the scheduled fine for such violation under state law.

SEC. 104.1.04 PARTIES TO CRIME.

1. Aiding and Abetting. All persons concerned in the commission of a public offense, whether they directly commit the act constituting the offense or aid and abet its commission, shall be charged, tried and punished as principals. The guilt of a person who aids and abets the commission of a crime must be determined upon the facts which show the part the person had in it, and does not depend upon the degree of another person's guilt.

2. Joint Criminal Conduct. When two or more persons, acting in concert, knowingly participate in a public offense, each is responsible for the acts of the other done in furtherance of the commission of the offense or escape therefrom, and each persons guilt will be the same as that of the person so acting, unless the act was one which the person could not reasonably expect to be done in the furtherance of the commission of the offense.

3. Accessory After The Fact. Any person having knowledge that a public offense has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person who committed the offense, who harbors, aids or conceals the person who committed the offense, with the intent to prevent the apprehension of the person who committed the offense, commits an aggravated misdemeanor if the public offense committed was a felony, or commits a simple misdemeanor if the public offense was a misdemeanor.

SEC. 104.1.05 RESPONSIBILITY OF EMPLOYERS. An employer or an employer's agent, officer, director, or employee who supervises or directs the work of other employees, is guilty of the same public offense committed by an employee acting under the employer's control, supervision, or direction in any of the following cases:

1. The person has directed the employee to commit a public offense.

2. The person knowingly permits an employee to commit a public offense, under circumstances in which the employer expects to benefit from the illegal activity of the employee.

3. The person assigns the employee some duty or duties which the person knows cannot be accomplished, or are not likely to be accomplished, unless the employee commits a public offense, provided that the offense committed by the employee is one which the employer can reasonably anticipate will follow from this assignment.

SEC. 104.1.06 PROPERTY DEFINED. "Property" is anything of value whether publicly or privately owned. The term includes both tangible and intangible property, labor and services. The term includes all that is included in the terms "real property" and "personal property."

SEC. 104.1.07 PUBLIC PROPERTY. The term "public property" means any area, land, plants, building and fixtures, river or other property regularly used for the welfare or benefit of the public, which is not for commercial or residential purposes. Public property includes any property owned, leased, or otherwise held by any utility, railroad, hospital, college, library or government entity.

Section 104.2 Public Peace

SEC. 104.2.01 ASSAULT.

1. No person shall without justification commit any of the following acts:
   a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

   b. Any act which 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.

   c. Dangerous Weapon. Intentionally point any firearm toward another or display in a threatening manner any dangerous weapon toward another.

2. Provided, that where the person doing any of the above enumerated act, and such other persons, 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 or serious injury or breach of the peace, the act shall not be an assault.

SEC. 104.2.02 DISORDERLY CONDUCT. No person shall willfully commit any of the following acts:

1. 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 which is reasonably related to that sport.

2. Make loud and raucous noise in the vicinity any residence, commercial establishment or hospital which causes unreasonable distress to the occupants thereof.

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

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

5. 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.

6. 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 a public offense.

7. Without authority or justification, obstruct any throughway or other public way, with the intent to prevent or hinder its lawful use by others.

SEC. 104.2.03 WILLFUL DISTURBANCE. No person shall willfully disturb any deliberative body or agency of the state, or subdivision thereof, with the purpose of disrupting the functioning of such body or agency by tumultuous behavior, or coercing by force or the threat of force any official conduct or proceeding.

SEC. 104.2.04 RIOT. It shall be unlawful for three (3) or more persons to assemble together in a violent manner, to the disturbance of others, and with any use of unlawful force or violence by them or any of them against another person, or causing property damage. No person shall willingly join in or remain part of a riot, knowing or having reasonable grounds to believe that it is such.

SEC. 104.2.05 UNLAWFUL ASSEMBLY. It shall be unlawful for three (3) 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 that it is such.

SEC. 104.2.06 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.

SEC. 104.2.07 HARASSMENT. No person shall, with intent to intimidate, annoy or alarm another do any of the following:

1. Communicate with another by telephone, telegraph, radio, other electronic communication device, or any writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

2. Order merchandise or services in the name of another, or to be delivered to another, without such other person's knowledge or consent.

3. Place any simulated explosive or simulated incendiary device in or near any building, vehicle, airplane, railroad engine or railroad car, or boat occupied by such person.

4. Report or cause to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or report the alleged occurrence of a criminal act, knowing the same did not occur.

Section 104.3 Public Morals

SEC. 104.3.01 PROSTITUTION. No person shall sell or offer for sale his or her services as a partner in a sex act, or purchase or offer to purchase such services.

SEC. 104.3.02 PIMPING. No person shall solicit a patron for a prostitute, or knowingly take or share in the earnings of a prostitute, or knowingly furnish a room or other place to be used for the purpose of prostitution, whether for compensation or not.

SEC. 104.3.03 LEASING PREMISES FOR PROSTITUTION. No person shall rent or let any building, structure or part thereof, boat, trailer or other place offering shelter or seclusion, when such person knows, or has reason to know, that the lessee or tenant is using such for the purposes of prostitution, and who does not, immediately upon acquiring such knowledge, terminate the tenancy or effectively put an end to such practice of prostitution in such place.

104.3.04 INDECENT EXPOSURE. No person shall expose the person's genitals or pubes to another not the person's spouse, or commit a sex act in the presence or view of a third person, provided:

1. The person does so to arouse or satisfy the sexual desires of either party; and

2. The person knows or reasonably should know that the act is offensive to the viewer.

104.3.05 PUBLIC EXPOSURE.

1. Except as herinafter provided no person shall intentionally expose those parts of his or her body herinafter listed to another in any public place, or in any place where such exposure is seen by another person or persons located in any public place:

a. A woman's nipple, the areola thereof, or any portion of the female breast at or below the nipple thereof, except as necessary in the breastfeeding of a baby.

b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, except such body parts of prepubescent infants of either sex.

2. This section shall not apply to limited or minimal exposures incident to the use of public restrooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities.

3. This section shall not apply to exposures occurring in live stage plays, live theatrical performances, or live dance performances conducted in a theatre, concert hall or similar establishment which is primarily devoted to theatrical performances.

Section 104.4 Public Health and Safety

SEC. 104.4.01 FIREWORKS.

1. Definitions. For purposes of this Section:
   a. "*Consumer Fireworks*" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Section 100.19, subsection 1, Code of Iowa. *"Consumer fireworks"* does not include novelties enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1 or display fireworks enumerated in Chapter 4 of the American Pyrotechnics Association's Standard 87-1.

   b. *"Display fireworks"* includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. *"Display fireworks"* does not include novelties or consumer fireworks enumerated in Chapter 3 of the American Pyrotechnics Association's Standard 87-1.

   c. *"Novelties"* includes all novelties enumerated in chapter 3 of the American Pyrotechnics Association's Standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. Display Fireworks.
   a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars unless the City Administrator, having received an application in writing, grants a permit for the display of display fireworks by fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator. No such permit shall be required for the display of display fireworks at incorporated county fairs or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.
   b. No permit for the display of display fireworks involving City property shall be granted without the Operator procuring and maintaining in force during the event a policy of liability insurance which must be in the amount of at least $500,000. The certificate of liability insurance shall name the City of Waverly as an additional insured.

   c. A person who uses or explodes display fireworks without a permit commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

   d. A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer Fireworks.
   a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.

   b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor.

   c. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by subsection 4 in Waverly commits a simple misdemeanor.

   d. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor.

4. Limitations.
   a. No person shall discharge a consumer fireworks device outside the following dates and times:
      1. On July 3rd and July 5th between the hours of Noon and 10:00 p.m.
      2. On July 4th between the hours of Noon and 11:00 p.m.
      3. December 31st (New Year's Eve) from Noon to 12:30 a.m. on January 1st.

   b. No person under the age of 18 shall discharge consumer fireworks intended for use by the general public (1.4G Explosives, as defined by the American Pyrotechnics Association, and formerly known as Class C common fireworks) without adult supervision.

   c. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given by the owner of that property.

   d. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of alcohol, drugs or narcotics.

   e. Any person discharging consumer fireworks, or supervising a child discharging consumer fireworks, assumes all responsibility for the adverse consequences of such discharge. No person shall discharge consumer fireworks in a negligent or reckless manner likely to cause death, injury, fire, property damage or littering.

   f. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this section.

5. Applicability.
   a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this ordinance, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

   b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

   c. Unless specifically provided otherwise, this section does not apply to novelties.

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SEC. 104.4.02 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.

SEC. 104.4.03 TRANSPORTING OFFENSIVE OR HARMFUL MATERIALS. No unauthorized person shall willfully transfer, transport or haul, or cause the transferring, transporting or hauling, on, through or along any throughway, any offensive substance, including any refuse, garbage, offal, waste, decayed meat or vegetables, or any other substance which causes an offensive odor or stench, unless such substance is contained in a box, barrel or other receptacle or enclosed space which reasonably prevents the escape of the odor or stench.

SEC. 104.4.04 LITTERING OR DEPOSITING MATERIALS.

1. No person shall throw, deposit or leave, or cause the throwing, depositing or leaving of any rubbish, filth, offensive substance, ashes, manure, shavings, cinders, stone, sand, coal, wood, brush, hay, straw, trash, garbage, litter, paper, cards, broken glass, glass bottle, tacks, nails or any other sharp or jagged object, on any throughway or on any public property, or on any private property.

2. This paragraph shall, however, not apply to property designated by the city council as a proper site to deposit any or all such materials; nor to the depositing person's own property or the property of an owner who permits the depositing of any or all such materials on his or her property, provided that the depositing is otherwise lawful.

SEC. 104.4.05 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property or safety of another.

SEC. 104.4.06 SALE OF TAINTED FOOD. It shall be unlawful for any person to sell or offer for sale any tainted, unsound, or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods, or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

SEC. 104.4.07 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, icebox, or similar container, with doors that may become locked, outside of buildings and accessible to children. No person shall allow any such refrigerator, icebox, or similar container, to remain outside of a building on premises in the person's possession or control, abandoned or unattended and so accessible to children.

SEC. 104.4.08 CARRYING WEAPONS.

1. Any of the following persons or entities is authorized to possess an offensive weapon when the person's or entity's duties or lawful activities require or permit such possession:

   a. Any peace officer.

   b. Any member of the armed forces of the United States or of the national guard.

   c. Any person in the service of the United States.

   d. Any correctional officer, serving in an institution under the authority of the Iowa department of corrections.

   e. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

   f. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

   g. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

h. A nonresident who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch.44, solely for use in official functions in this state of a historical reenactment organization of which the person is a member, if the offensive weapon is legally possessed by the person in the person's state of residence and the offensive weapon is at all times while in this state rendered incapable of firing live ammunition. A nonresident who possesses an offensive weapon under this paragraph while in this state shall not have in the person's possession live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

2. Notwithstanding subsection 1, a person is not authorized to possess in this state a shot shell or cartridge intended to project a flame or fireball of the type described in section 724.1. [Iowa Code Section 724.2]

SEC. 104.4.09 DUTY TO CARRY PERMIT TO CARRY WEAPONS. The availability of a professional or nonprofessional permit to carry weapons under this chapter shall not be construed to impose a general prohibition on the otherwise lawful unlicensed carrying or transport, whether openly or concealed, of a dangerous weapon, including a loaded firearm.
Iowa Code Section 724.5]

SEC. 104.4.10 DISCHARGING FIREARMS. No person shall discharge a firearm of any kind, including any rifle, shotgun, revolver, pistol or gun, without prior approval by the chief of police authorizing when and where such discharging of weapons may be permitted to take place.

SEC. 104.4.11 THROWING AND SHOOTING. No person shall throw stones or missiles of any kind or shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place, except when under proper supervision of persons authorized by the city council. This section shall not apply to any person conducting these activities on private property provided the person has the permission of the property owner; the person exercises due care and caution to avoid hitting, injuring, or endangering any person or property; shall not shoot objects in such a fashion that it travels beyond the boundaries of the private property on which the person is shooting. (Ord. 1006 12/29/15)

SEC. 104.4.12 SPRING GUNS OR TRAPS. No person in any place shall set a spring gun or a trap which is intended to be sprung by a person and which can cause such person serious injury.

SEC. 104.4.13 SETTING OUT POISON. Any person who places or throws any poison, poisoned food or substances on any street, avenue, alley, public or private grounds within the city, in such a way that it may endanger the life of any person or animal, is guilty of a misdemeanor; provided, however, that nothing in this section shall prohibit the setting out of poison in a prudent manner upon one's own premises for the purpose of exterminating vermin or rodent.

SEC. 104.4.14 KEEPING DISORDERLY HOUSE.

1. Simple Misdemeanor: No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection shall be a simple misdemeanor.

2. Authority to Restore Order and Disperse; Failure to Disperse: Upon issuance of a citation for a violation of this section, any peace officer of the city shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of person(s) from the subject premises.

Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this section. Any violation of this subsection shall be a simple misdemeanor.

3. Civil Sanction: Quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in the person's possession is prohibited. For the purposes of this section, "to the disturbance of the general public" includes the disturbance of persons beyond the subject premises and/or to the disturbance of persons upon public places, including peace officers. Any violation of this subsection by a property owner or tenant is a municipal infraction punishable by a civil penalty of five hundred dollars ($500.00) for first offense and seven hundred fifty dollars ($750.00) for second and subsequent offenses.

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Section 104.5 Obstructing Justice

SEC. 104.5.01 OBSTRUCTING JUSTICE. No person shall commit any of the following acts:

1. Knowingly resist or obstruct anyone known by the person to be a peace officer or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer or fire fighter, whether paid or volunteer, or knowingly resist or obstruct the service or execution by an authorized person of any civil or criminal process or order of any court.
2. No person shall refuse a reasonable request or order by any magistrate or peace officer to render the magistrate or peace officer assistance in making or attempting to make an arrest, or prevent the commission of any criminal act.

SEC. 104.5.02 REFUSAL TO ASSIST POLICE. If any person, being lawfully required by any police officer of the city, willfully neglects to or refuses to assist him in the execution of his office in any criminal case, or in any case of escape or rescue, he is guilty of a misdemeanor.

SEC. 104.5.03 FAILURE TO OBEY ORDERS. Any person who refuses or fails to obey the commands or directions of a police or traffic officer of the city, stationed and doing duty at any street, avenue or crossing thereof, or at any public place, is guilty of a misdemeanor.

SEC. 104.5.04 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer in the performance of any act which is within the scope of the officer's lawful duty or authority, 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.

SEC. 104.5.05 INTERFERENCE WITH PUBLIC OFFICIALS. No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

SEC. 104.5.06 IMPERSONATING A PUBLIC OFFICIAL. No person shall falsely hold himself or herself out or assume to act as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so.

SEC. 104.5.07 EMERGENCY COMMUNICATION. No person shall willfully commit the following acts:

1. Fail to relinquish any telephone or telephone line which the person is using when informed that such phone or line is needed to contact a fire department for aid, or a call for medical aid or ambulance service, when human life or property is in jeopardy and the prompt summoning of aid is essential.

2. Secure the use of a telephone or telephone line by falsely stating that such telephone line is needed for an emergency call.

SEC. 104.5.08 FALSE REPORTS. No person shall report or cause to be reported false information to a fire department or a law enforcement authority or an ambulance service, knowing the information is false, nor give or cause to be given any false alarm of a fire without cause, nor report the alleged occurrence of a criminal act knowing the same did not occur.

SEC. 104.5.09 DISTURBING PUBLIC MEETINGS. No person shall willfully disturb any deliberative body or department of the city with the purpose of disrupting the functioning of such body or department by tumultuous behavior, or coercing by force or the threat of force any official conduct of proceeding.

SEC. 104.5.10 UNLAWFUL USE OF POLICE TELEPHONE OR RADIO SYSTEM. Any person who willfully uses the police telephone or radio system of the city to make a false report as to any crime, offense, circumstance or condition, or in any manner whatsoever uses such telephone or radio system, or any part thereof, for any

improper or wrongful purpose, or in any manner contrary to the rules of the police department, within the city, is guilty of a misdemeanor. No person shall use the police radio system of this city except a qualified member of the Waverly police department or other police officer as defined by law.

SEC. 104.5.11 INTERFERING WITH HYDRANTS PROHIBITED. Any person, unless properly authorized, other than an employee of the city, or a member of the fire department in the performance of his duty, who takes off or unscrews the cap from any water hydrant in the streets or avenues of the city, or interferes or meddles with such hydrant in any manner, is guilty of a misdemeanor.

SEC. 104.5.12 DEFACING NOTICES. Any person who defaces or tears down any notice, ordinance or advertisement within the city, posted by order of the city council or by any public officer in the performance of his official duties, is guilty of a misdemeanor.

SEC. 104.5.13 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES. No person shall report or cause to be reported false information to a fire department or a law enforcement authority, knowing that the information is false, or shall report the alleged occurrence of a criminal act knowing the same did not occur.

SEC. 104.5.14 FALSE FIRE ALARMS. Any person who, by telephone or in any other way or manner, willfully gives a false alarm whereby the fire department is called out is guilty of a misdemeanor.

Section 104.6 Public Property

SEC. 104.6.01 DEFACING PUBLIC GROUNDS. It shall be unlawful for a person to cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring.

SEC. 104.6.02 PUBLIC BUILDINGS. It shall be unlawful to willfully write, make marks, or draw characters on the walls or any other part of any church, college, academy, schoolhouse, court house, or other public building, or on any furniture, apparatus, or fixture therein; or to willfully injure or deface the same, or any wall or fence enclosing the same.

SEC. 104.6.03 DAMAGE TO PUBLIC UTILITY PROPERTY. It shall be unlawful for a person to maliciously injure, remove, or destroy any electric railway or apparatus belonging thereto; or any bridge, rail or plank road; or place, or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or maliciously cut, burn or in any way break down, injure, or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break, or injure the wires of any apparatus belonging thereto; or to willfully tap, cut, injure, break, disconnect, connect, make connection with, or destroy any of the wires, mains, pipes, conduits, meters, or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant, or water plant; or to aid or abet any other person in so doing.

SEC. 104.6.04 INJURY TO CEMETERY PROPERTY. It shall be unlawful for a person to willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery or other fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

SEC. 104.6.05 INJURING NEW PAVEMENT. It shall be unlawful for a person to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

SEC. 104.6.06 UNAUTHORIZED ENTRY. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.

SEC. 104.6.07 JUMPING FROM BRIDGES. Any person who jumps or dives from the Bremer Avenue bridge, Third Street Southeast bridge, Stockwell bridge, railroad bridge or any other bridge over the Cedar River within the city limits is hereby guilty of a misdemeanor.

SEC. 104.6.08 DEPOSIT OF ICE OR SNOW UPON PUBLIC WAYS. It shall be unlawful for any person to deposit ice or snow accumulated from private premises upon any public street, alley, sidewalk, driveway or parking lot in the City of Waverly, Iowa, in such a manner or amount as to cause a traffic or pedestrian hazard or require additional snow removal or clean-up by City of Waverly personnel or require additional snow removal or clean-up by a neighboring property owner.

Section 104.7 Park Rules

SEC. 104.7.01 DESTROYING PARK PROPERTY. It shall be unlawful for any person to deface, damage or destroy park property, natural or manmade.

SEC. 104.7.02 INJURING WILDLIFE. It shall be unlawful for any person to disturb, injure or kill any wildlife on park property.

SEC. 104.7.03 VIOLATING PARK RULES. Any person who commits any of the following prohibited actions in a Waverly city owned park, playground, golf course or cemetery shall be guilty of a misdemeanor:

1. Pick or destroy any flower, or walk, or run up on any flower beds.

2. Break or tear any limbs or branches from any shrub or tree.

3. Remove, damage, or destroy any sign erected under the authority of the City Council.

4. Build or light a fire in any area other than those areas or fixtures designated for fires unless approved by the leisure services director.

5. Remove any wood, living or dead, unless authorized to do so by the Leisure Services Director.

SEC. 104.7.04 PARK CLOSING HOURS. No person shall enter upon or remain upon the city parks of the City of Waverly between the hours of midnight (12:00) a.m. and 4:00 o'clock a.m. during which hours the parks shall be closed to the general public with exceptions approved by Golf Commission.

SEC. 104.7.05 LITTERING. It shall be unlawful for any person to litter park property.

SEC. 104.7.06 DAMAGE BY PETS. It shall be unlawful to allow pets to damage or destroy park property, or to disturb the use of the park by others or disturb, injure, or kill any wildlife.

SEC. 104.7.07 COMMERCIAL ACTIVITY. It shall be unlawful for any persons to conduct any promotional or commercial activity on any park property within the limits of the City of Waverly, Iowa, without first obtaining a written permit from the Park Commission.

SEC. 104.7.08 MOTOR VEHICLES ON PARK ROADWAYS. It shall be unlawful for any person to operate any motor vehicle on park property, other than on park roadways.

SEC. 104.7.09 PARKING. It shall be unlawful for any person to park any vehicle any where but designated parking areas on park property.

SEC. 104.7.10 SNOWMOBILES. The operation of snowmobiles is hereby prohibited on city park property, except as is set forth in the snowmobile chapter.

Section 104.7a Rail Trail Rules

SEC. 104.7A RAIL TRAIL RULES

1. Definition. The Waverly Rail Trail is the trail constructed on the former Trains Unlimited railroad right-of-way consisting of an asphalt trail together with bridges, underpasses, road crossings and the entire right-of-way extending up to 50 feet on either side of the asphalt surface and shall include extensions to the system.

2. Part of Park System. The portion of the Waverly Rail Trail located within the Waverly City Limits is declared to be a part of the Waverly Park System and the Park rules contained at Waverly Code Section 104.7 shall apply except as modified in this Ordinance.

3. Use. This Waverly Rail Trail shall be used as a trail for: bicycling, cross-country skiing, rollerblading and foot traffic and other special event usage authorized by permit from the Waverly Director of Leisure Services or designee.

3a. Weapons and Hunting Prohibited. The use of firearms, explosives or weapons of any kind is prohibited on the Waverly Rail Trail. Hunting or trapping is prohibited. No bow or arrow or firearm shall be discharged on or across Rail Trail property.

4. Motorized Vehicles Prohibited. The use of motorized vehicles and snowmobiles is prohibited on the Waverly Rail Trail within the City of Waverly, Iowa, except for authorized emergency and maintenance vehicles and except for motorized wheelchairs and other similar vehicles used by handicapped persons.

5. Horses and Other Animals. No person shall permit a horse under their control to be on the Waverly Rail Trail. No person shall permit or allow an animal or pet on said Waverly Rail Trail unless said animal or pet is under the control of said person and is on a leash of six feet or less in length. Said person shall pick up and dispose of any feces from the animal or pet under that person's control. For the purposes of this article, horse is defined as any equine animal including horses, mules, burrow, donkeys, and all lamas or alpaca like animals. Animal is defined as all animals of the animal kingdom, male or female, whether altered or not.

6. Special Permits. Special permits may be issued by the Director Leisure Services or designee for special events on specific dates utilizing golf carts or similar motorized transportation upon the Waverly Rail Trail.

7. Official Signs. All Waverly Rail Trail users shall observe and obey all official rail trail signs posted along the trail. These signs shall be considered "Official Traffic Control Devises" as defined by the Code of Iowa.

8. Violation of Rules. Any person who fails to obey a rail trail sign, rule, or other provisions of this Ordinance shall be guilty of simple misdemeanor.

SEC. 104.7.11 It shall be unlawful for any person to feed waterfowl in Kohlmann Park.

Section 104.8 Private Property

SEC. 104.8.01 TRESPASSING.

1. The term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

2. The term "trespass" shall mean one or more of the following acts:

   a. 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, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another.

   b. 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. 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. 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.

3. The term "trespass" shall not mean 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.

SEC. 104.8.02 DAMAGE TO PROPERTY. No person shall intentionally cut, hack, break, paint, deface, or otherwise injure any ornamental or shade tree, fence, private building, railing or other property, unless the person is the property owner, or the person is acting pursuant to the consent of the property owner, or the person is a government employee acting within the scope of his or her authority, and the action is otherwise lawful.

SEC. 104.8.03 CRIMINAL MISCHIEF. Any damage, defacing, alteration, or destruction of tangible property, public or private, is criminal mischief when done intentionally by one who has no right to so act, and shall be unlawful.

SEC. 104.8.04 ELECTRONIC AND MECHANICAL EAVESDROPPING. No person, without right or authority to do so, shall tap into or connect a listening or recording device to any telephone or other communication wire, or shall by any electronic or mechanical means listen to, record, or otherwise intercept a conversation or communication of any kind; provided that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

SEC. 104.8.05 THEFT. It shall be a public offense for any person to commit theft within the city. A person commits theft when the person:

1. Takes possession or control of the property of another, without the owner's consent or without lawful authority, with the intent to deprive the other thereof.

2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found property, or appropriates such property to the person's own use, when the owner of such property is known to the person. Failure by a bailee or lessee of personal property within seventy-two hours after a time specified in a written agreement of lease or bailment shall be evidence of misappropriation.

3. Deception.
   a. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another by deception. Where compensation for goods and services is ordinarily paid immediately upon the obtaining of such goods or the rendering of such services, the refusal to pay or leaving the premises without payment or offer to pay or without having obtained from the owner or operator the right to pay subsequent to leaving the premises gives rise to an inference that the goods or services were obtained by deception.

   b. Concealment. The fact that a person has concealed unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and if the person conceals or causes to be concealed upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the goods.

4. Exercising Control.
   a. Exercises control over property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer.

   b. Evidence. The fact that the person is found in possession of property which has been stolen from one or more persons on separate occasions, or that the person is a dealer or other person familiar with the value of such property and has acquired it for a consideration which is far below its reasonable value, shall be evidence from which the court may infer that the person knew or believed that the property had been stolen.

5. Secured Property. No person shall take, destroy, conceal or dispose of property in which someone else has a security interest, with intent to defraud the secured property.

6. Instruments. No person shall make, utter, draw, deliver, or give any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtain property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented.

7. Claim of Right. No person who takes, obtains, disposes of, or otherwise uses or acquires property, is guilty of theft by reason of such act if the person reasonably believes that the person has a right, privilege or license to do so, or if the person does in fact have such right, privilege or license.

SEC. 104.8.06 FRAUDULENT PRACTICE. It shall be a public offense for any person to commit fraudulent practice within the city. Fraudulent practice is defined as:

1. Makes, tenders or keeps for sale any warehouse receipt, bill of lading, or any other instrument purporting to represent any right to goods, with knowledge that the goods represented by such instrument do not exist.

2. Knowingly attaches or alters any label to any goods offered or kept for sale so as to materially misrepresent the quality or quantity of such goods, or the maker or source of such goods.

3. Knowingly executes or tenders a certification under penalty of perjury, false affidavit, or certificate, which is required by law, or which is given in support of a claim for compensation, indemnification, restitution, or other payment.

4. Makes any entry in or alteration of any public records, or any records of any corporation, partnership, or other business enterprise or nonprofit enterprise, knowing the same to be false.

5. Removes, alters or defaces any serial or other identification number, or any owners' identification mark, from any property not the person's own.

6. For the purpose of soliciting assistance, contributions, or other thing of value, falsely represents oneself to be a veteran of the armed forces of the United States, or a member of any fraternal, religious, charitable, or veterans organization, or any pretended organization of a similar nature, or to be acting on behalf of such person or organization.

7. Manufactures, sells, or keeps for sale any token or device suitable for the operation of a coin operated device or vending machine, with the intent that such token or device may be so used, provided, that the owner or operator of any coin operated device or vending machine may sell slugs or tokens for use in the person's own devices.

8. Alters or renders inoperative or inaccurate any meter or measuring device used in determining the value of or compensation for the purchase, use or enjoyment of property, with the intent to defraud any person.

9. Does any act expressly declared to be a fraudulent practice by any other section of the State Code.

SEC. 104.8.07 FALSE USE OF A FINANCIAL INSTRUMENT.

1. Prohibition. No person shall use a false financial instrument with the intent to obtain fraudulently anything of value, knowing that the instrument is not what it purports to be, or knowing that he or she is not the proper person, nor the authorized agent of the proper person, who as shown on the instrument has the right to so use the instrument, by committing any of the following acts:
   a. Material Change. Make or execute such instrument or an endorsement thereon, or alter such instrument so as to change its nature or the right or obligation which it purports to represent.

b. False Representation. Tender or offer such instrument to another in the course of a financial or commercial transaction, with the representation, either express or by implication, that the instrument is what it purports to be and that one is a proper person who is shown on its face to be one who may rightfully so use such instrument.

c. Possession. Possess such instrument, knowing it to be false or knowing that one has no right to use or possess it.

SEC. 104.8.08 FALSE WEIGHTS AND MEASURES. Any person, firm or corporation, within the city, who gives any false weight or measures or uses any weight, scale or other instrument for weighing or measuring any article for sale, unless he same strictly conforms to the standards adopted by the state, is guilty of a misdemeanor.

SEC. 104.8.09 DEFRAUDING HOTEL OR RESTAURANT KEEPER-PROHIBITED. Any person who obtains food, lodging or other accommodation at any hotel, inn or boarding or eating house, within the city, with the intent to defraud the owner or keeper thereof, is guilty of a misdemeanor.

SEC. 104.8.10 EVADING ADMISSION FEE. Any person who willfully enters any building or enclosure where any public entertainment or exhibition is being held, within the city, and at which an admission fee is charged, without paying such fee, or without leave to so enter from the proper party, is guilty of a misdemeanor.

Section 104.9 Alcohol and Beer

SEC. 104.9.01 CONSUMPTION OF ALCOHOL IN PUBLIC PLACE. No person shall use or consume alcoholic liquors or beer upon any throughway, or in any public place, or possess or consume alcoholic liquors on any public school property or while attending any pu blic or private school related function ***except as authorized under Section 88.3 of this code***. As used in this section “school” means a school or that portion thereof, which provides teaching for any grade from kindergarten through grade twelve.

SEC. 104.9.02 OPEN CONTAINER. No person shall knowingly possess in a motor vehicle upon a public street or highway any open or unsealed container, including a bottle, can, jar, or other receptacle, containing an alcoholic beverage or beer while such motor vehicle is upon a public street or highway. An open or unsealed receptacle containing an alcoholic beverage or beer may be transported at any time in the trunk of the motor vehicle or in some other area of the interior of the motor vehicle not designated or intended to be occupied by the driver and not readily accessible to the driver while the motor vehicle is in motion.

SEC. 104.9.03 PERSONS UNDER LEGAL AGE; PENALTY.

1. A person or persons under legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under Iowa Code Chapter 123.

2. A person who is under legal age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:
   a. A simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8C, subsection 7.

   b. A second offense shall be a simple misdemeanor punishable by a fine of $500.00. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

   c. A third or subsequent offense shall be a simple misdemeanor punishable by a fine of $500.00 and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

3. The court may, in its discretion, order the person who is under legal age to perform community service work under Iowa Code Section 909.3A, of an equivalent value to the fine imposed under this section.

4. If the person who commits a violation of this section is under the age of 18, the matter shall be disposed of in the manner provided in Chapter 232 of the Iowa Code.
   State law references: Similar provisions, I.C.A. § 123.47A.

SEC. 104.9.04 MISREPRESENTING AGE. No person who is not at least twenty-one (21) years old shall misrepresent the age of such person for the purpose of purchasing or attempting to purchase any alcoholic beverage or beer.

SEC. 104.9.05 PUBLIC INTOXICATION. Any person who uses or consumes any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or who is intoxicated or simulates intoxication in a public place, is guilty of a misdemeanor.

SEC. 104.9.06 KEGS. No person shall possess or cause a keg of beer to be placed on public property in the city without first obtaining a permit from the city council as provided in Chapter 60 of this code.

104.9.07 MISCELLANEOUS PROHIBITIONS.

1. A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

2. A person or club holding a liquor control license or retail wine or beer permit under Iowa Code Chapter 123, and the person's or club's agents or employees, shall not do any of the following:
   a. Knowingly permit any gambling, except in accordance with Iowa Code Chapter 99B, 99D, 99F, or 99G, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

   b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a holder of a liquor control license or

retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense alcoholic liquor or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

c. Sell alcoholic beverages, wine, or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

d. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the division, and except mixed drinks or cocktails mixed on the premises for immediate consumption. This prohibition does not apply to common carriers holding a class "D" liquor control license.

e. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been so reused or adulterated.

f. (1) Employ a person under eighteen years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(2) This paragraph shall not apply if the employer has on file written permission from the parent, guardian, or legal custodian of a person sixteen or seventeen years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person sixteen or seventeen years of age shall not work in a bar as defined in section 142D.2. The employer shall keep a copy of the written permission on file until the person is either eighteen years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold. If written permission is on file in accordance with this paragraph, a person sixteen or seventeen years of age may sell or serve alcoholic beverages in a restaurant as defined in section 142D.2 during the hours in which the restaurant serves food.

(3) A person sixteen or seventeen years of age shall not sell or serve alcoholic beverages under this paragraph unless at least two employees eighteen years of age or older are physically present in the area where alcoholic beverages are sold or served.

(4) If a person employed under this paragraph reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee's parent, guardian, or legal custodian and to the Iowa civil rights commission, which shall determine if any action is necessary or appropriate under chapter 216.

(5) An employer that employs a person under this paragraph shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

(6) Prior to a person commencing employment under this paragraph, the employer shall notify the employer's dramshop liability insurer, in a form and time period prescribed by the director, that the employer is employing a person under this paragraph.

[Section 123.49, subsection 2, paragraph f, Code 2023]

g. Allow any person other than the licensee, permittee, or employees of the licensee or permittee, to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in Iowa Code Section 123.95. This paragraph does not apply to the lodging quarters of a class "B" liquor control licensee or wine or beer permittee, or to common carriers holding a class "D" liquor control license.

h. Sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine, or beer.

i. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine, or any other beverage in or about the permittee's place of business.

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

k. Sell or dispense any wine on the premises covered by the permit or permit the consumption on the premises between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday, however, a holder of a wine permit authorized to sell wine on Sunday may sell or dispense wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday.

l. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

3. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee. If any person under legal age misrepresents the person's age, and the licensee or permittee establishes that the licensee or permittee made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee or permittee is not guilty of selling alcoholic liquor, wine, or beer to a person under legal age.

104.9.08 CRIMINAL AND CIVIL PENALTIES.

1. Any person who violates any of the provisions of section 104.9.07, except subsection 104.9.07(2)(b), shall be guilty of a simple misdemeanor. A person who violates subsection 104.9.07(2)(b), commits a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8C, subsection 2.

2. The conviction of any liquor control licensee, wine permittee, or beer permittee for a violation of any of the provisions of section 104.9.07, subject to subsection (3) of this section, is grounds for the suspension or revocation of the license or permit by the city council of the city.

3. If any licensee, wine permittee, beer permittee, or employee of a licensee or permittee is convicted or found in violation of subsection 104.9.07(2)(b), the city council of the city shall, in addition to criminal penalties fixed for violations by this section, assess a civil penalty as follows:

   a. A first violation shall subject the licensee or permittee to a civil penalty in the amount of $500.00. Failure to pay the civil penalty as ordered under Iowa Code Section 123.39 shall result in automatic suspension of the license or permit for a period of 14 days.

   b. A second violation within two years shall subject the licensee or permittee to a 30-day suspension and a civil penalty in the amount of $1,500.00.

   c. A third violation within three years shall subject the licensee or permittee to a 30-day suspension and a civil penalty in the amount of $1,500.00.

d. A fourth violation within three years shall result in revocation of the license or permit.

e. For purposes of this subsection:
   (1) The date of any violation shall be used in determining the period between violations.

   (2) Suspension shall be limited to the specific license or permit for the premises found in violation.

   (3) Notwithstanding Iowa Code Section 123.40, revocation shall be limited to the specific license or permit found in violation and shall not disqualify a licensee or permittee from holding a license or permit at a separate location.

4. Before suspension, revocation, or imposition of a civil penalty, the license or permit holder shall be given written notice and an opportunity for a hearing. The administrator may appoint a member of the division or may request an administrative law judge from the department of inspections and appeals to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the administrator's own motion, the administrator may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the administrator may affirm, reverse, or modify the proposed decision. A licensee or permittee aggrieved by a decision of the administrator may seek judicial review of the administrator's decision in accordance with chapter 17A.
State law references: Similar provisions, I.C.A. § 123.39

Section 104.10 Drug Paraphernalia & Controlled Substances

SEC. 104.10.01 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person knowingly or intentionally to possess drug paraphernalia as defined in this Chapter within the City of Waverly, Iowa.

SEC. 104.10.02 DEFINITIONS. As used in this chapter, the following words and terms will be ascribed the following meanings:

1. Person means a natural person or any firm, partnership, association, corporation or cooperative association.

2. Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in Chapter 124, Code of Iowa. The term includes, but is not limited to:

   a. Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing or harvesting, of any species of plant which is a controlled substance or from which a controlled substance can be derived.
   b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
   c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant, which is a controlled substance.

   d. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

e. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.

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

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

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

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

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

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

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

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

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

(6) Miniature cocaine spoons, and cocaine vials;

(7) Chamber pipes;

(8) Carburetor pipes;

(9) Electric pipes;

(10) Air-driven pipes;

(11) Chillums;

(12) Bongs;

(13) Ice pipes or chillers.

m. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

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

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

(3) The proximity of the object, in time and space, to a direct violation of this chapter.

(4) The proximity of the object to controlled substances.

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

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

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

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

(9) National and local advertising concerning its use.

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

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

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

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

(14) Expert testimony concerning its use.

n. The use of inhalants, liquids, or other substances used to induce a reaction or intoxication such as glue, paint thinner, paint, or similar substances and related paraphernalia such as plastic bags, wadded cloth, other items used to contain the fumes or ingredients.

3. Controlled Substance means a "Controlled Substance" as defined in Chapter 124, Code of

Iowa.

SEC. 104.10.03 POSSESSION OF CONTROLLED SUBSTANCES. It is unlawful for any person to use, or to possess with intent to use, controlled substances to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

SEC. 104.10.04 MANUFACTURE OR DELIVERY OF CONTROLLED SUBSTANCES. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, controlled substances, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

SEC. 104.10.05 DELIVERY OF CONTROLLED SUBSTANCES TO A MINOR. Any person eighteen (18) years of age or over who violates Section 104.10.03 by delivering controlled substances to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense.

SEC. 104.10.06 TRANSPORTING CONTROLLED SUBSTANCES. It shall be unlawful for any person to transport or convey any controlled substances as defined in the current Code of Iowa by motor vehicle on any highway or street in the City of Waverly, Iowa.

SEC. 104.10.07 ADVERTISEMENT OF CONTROLLED SUBSTANCES. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as controlled substances.

SEC. 104.10.08 Huffing. “Any person who shall intentionally ingest, inhale, breathe or otherwise take into the body any substance for the purpose of becoming intoxicated is guilty of a misdemeanor. Common examples of huffing include: breathing in fumes from a cloth soaked in a chemical, breathing in fumes from an open container or filling a closet or car with vapors, placing a substance in a plastic bag and holding it over the mouth and nose, spraying a substance directly into the mouth. This section shall not apply to prescribed drugs when taken as prescribed; or any anesthesia for medical or dental purposes.”

CHAPTER 105

TRAFFIC CODE

Sections:

105.1 State Definitions Adopted.
105.2 State Provisions Adopted.
105.3 Speed Restrictions.
105.4 Stopping, Standing and Parking.
105.5 Miscellaneous Traffic Offenses.
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105.7 School Zones Designated.
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Section 105.1 State Definitions Adopted

SEC. 105.1.01 STATE DEFINITIONS ADOPTED. Definitions of terms used in the Waverly Traffic Code shall be those definitions set forth in the Code of Iowa at 321.1 and said definitions are hereby adopted by this reference.

Section 105.2 State Provisions Adopted

SEC. 105.2.01 STATE PROVISIONS ADOPTED. Any person who fails to abide by the provisions of the following Iowa statutory laws relating to motor vehicles and the law of the road that are hereby adopted by reference is in violation of this chapter. Citations issued under the following sections shall contain the prefix WA followed by State Code designation.

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321.18 Vehicles subject to registration--exception.
321.19 General exemptions.
321.28 Failure to register.
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321.34 Plates or validation sticker furnished--retained by owner – special plates.
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321.97 Fraudulent applications.
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321.100 False evidences of registration.
321.103 Owner to return evidences of registration and title.
321.104 Penal offenses against title law.

OPERATORS' LICENSES

321.174 Operators licensed – operation of commercial motor vehicles.
321.174A Operation of motor vehicle with expired license.
321.176 Persons exempt from driver's licensing requirements.
321.180 Instruction permits, commercial learner's permit, and chauffer's instruction permit.
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321.180B Granduated driver's license for persons aged fourteen through seventeen.
321.181 Temporary permit.
321.193 Restrictions on licenses - penalty.
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321.198 Military service exception.

CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES

321.201 Authority to cancel license.

VIOLATION OF LICENSE PROVISIONS

321.216 Unlawful use of license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, or cigarettes.
321.218 Operating without valid driver's license or when disqualified - penalties.
321.219 Permitting unauthorized minor to drive.
321.220 Permitting unauthorized person to drive.
321.221 Employing unlicensed chauffeur.
321.222 Renting motor vehicle to another.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

321.228 Provisions refer to highways--exceptions.
321.229 Obedience to peace officers.
321.230 Public officers not exempt.
321.231 Authorized emergency vehicles and police bicycles.
321.232 Speed detection jamming devices--penalty.
321.234 Bicycles, animals, or animal-drawn vehicles.
321.234A All-terrain vehicles – highway use.
321.235 Provisions uniform.

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321.236 Powers of local authorities.
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321.247 Golf cart operation on city streets.
321.248 Parks and cemeteries.
321.249 School zones.
321.250 Equitable reprisals.
321.251 Rights of owners of real property – manufactured home communities or mobile home parks.

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321.252 Department to adopt sign manual.
321.253 Department to erect signs.
321.254 Local authorities restricted.
321.255 Local traffic-control devices.
321.256 Obedience to official traffic-control devices.
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321.258 Arrangement of lights on official traffic-control signals.
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321.261 Death or personal injuries.
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321.263 Information and aid – leaving scene of personal injury accident.
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321.266 Reporting accidents.
321.267 Supplemental reports.
321.268 Driver unable to report.
321.269 Accident report forms.
321.273 City may require reports.

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321.277 Reckless driving.
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321.281 Actions against bicyclists.
321.284 Open containers in motor vehicles – drivers.
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321.285 Speed restrictions.
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321.298 Meeting and turning to right.
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321.349 Exceptions.
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321.433	Sirens and bells prohibited.
321.434	Bicycle sirens or whistles.
321.436	Mufflers, prevention of noise.
321.437	Mirrors.
321.438	Windshields and windows.
321.439	Windshield wipers.
321.440	Restrictions as to tire equipment.
321.441	Metal tires prohibited.
321.442	Projections on wheels.
321.443	Exceptions.
321.444	Safety glass.
321.445	Safety belts and safety harnesses--use required.
321.446	Child restraint devices.
321.449B	Texting or using a mobile telephone while operating a commercial Motor vehicle.

CRIMINAL RESPONSIBILITY

321.482	Violations – simple misdemeanors unless otherwise provided.
321.484	Offenses by owners.
321.485	Notice to appear--promise to appear.
321.486	Authorized bond forms.

LAW ENFORCEMENT

321.492	Peace officers' authority.

Section 105.3 Speed Restrictions

SEC. 105.3.01 SPEED RESTRICTIONS. Any person driving a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive any vehicle upon a street at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law. The following shall be the lawful speed except as hereinbefore or hereinafter modified, and any speed in excess thereof shall be unlawful:

A. Twenty-five miles per hour in any residence district, business district or any unmarked streets.

B. Fifteen miles per hour in any public park or cemetery.

C. Reasonable and proper speed, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be fifty-five miles per hour.

D. However, the following shall be the lawful speed in the areas designated and shall be exceptions to the aforesaid limits:

1. 25 MPH
   a. Bremer Avenue, from the intersection of 5th Street NW to the intersection of 5th Street NE.
   b. 30TH Street NW, from the intersection with 5th Avenue NW to the end of the street.
   c. North Ridge Parkway, from the intersection with Horton Road to the end of the street.

2. 30 MPH
   a. 4th St SW, from Bremer Avenue to 100 feet south of the intersection of 5th Avenue SW.

3. 35 MPH
   a. Bremer Avenue, from the intersection of 5th Street NW to the intersection of 20th Street NW, including ramp.
   b. Bremer Avenue, from the intersection of 5th Street NE to a point 615' west of the intersection of 12th Street SE.
   c. Iowa Highway 3 (Heritage Way), from the intersection of West Bremer Avenue to a point 345' south of the intersection of Heritage Way with West Bremer Avenue.
   d. U.S. Business Highway 218, from the intersection of West Bremer Avenue to a point 300' north of the intersection of 4th Avenue NW.
   e. 4th Street SW, from a point 100' south of 5th Avenue SW to a point 525' south of 8th Avenue SW.
   f. 16th Street SW (Dusty Avenue), from the intersection of 10th Avenue SW to the south City Limits.
   g. 10th Avenue SW, from Iowa Highway 3 (Heritage Way) to a point 950' east of the aforementioned intersection (tangent of curve).
   h. 29th Avenue SW, from 4th Street SW west to railroad tracks (City Limits).
   i. 1st Street NW (Adams Parkway, Horton Road), from 9th Ave NW to 113' north of the intersection with Cedar Lane.
   j. 12th Street NW, from the Chicago Northwestern Railroad crossing north to the City Limits.
   k. 20th Street NW, from Knight Avenue north to 22nd Avenue NW (City Limits).
   l. 5th Avenue NE, from Bremer Road east to the City Limits.
   m. 8th Street SE, from Crestwood Avenue south to the intersection of 17th Avenue SE.
   n. 11th Street SE, from 17th Avenue SE south to the south city limits.
   o. 17th Avenue SE, from 8th Street SE east to 11th Street SE.
   p. 18th Avenue SE, from 11th Street SE east to the end of road.
   q. Bremer Road, from the intersection of 5th Avenue NE to a point 350' north of Copper Terrace.
   r. 30th Street SE, from Iowa Highway 3 south to City Limits.

s. 39th Street NE, from Iowa Highway 3 north to City Limits.
t. 39th Street SE, from Iowa Highway 3 south to City Limits.

4. 40 MPH
   a. 4th Street SW, from a point 525' south of 8th Avenue SW to a point 500' south of the intersection of Oak Ridge Circle/Technology Place.

5. 45 MPH
   a. Bremer Avenue, from a point 615' west of the intersection of 12th Street SE to a point 475' west of the intersection of 30th Street SE.
   b. Iowa Highway 3 (Heritage Way), from a point 345' south of the Bremer Avenue intersection to just south of the entrance for 1900 Heritage Way.
   c. U.S. Business Highway 218, from a point 300' north of the intersection of 4th Avenue NW to the intersection of 24th Street NW.
   d. 4th Street SW, from a point 500' south of the intersection of Oak Ridge Circle/Technology Place to a point 50' south of 29th Avenue SW.
   e. 10th Avenue SW, from a point 950' east of the intersection of Highway 3 (Heritage Way) to 4th Street SW.
   f. Cedar River Parkway, from 4th Street SW east to IA Hwy 3.
   g. 29th Avenue SW/SE, from 4th Street SW to 11th Street SE.
   h. Bremer Road, from a point 350' north of Copper Terrace to the City Limits.
   i. Horton Road, from a point 113' north of the intersection of Cedar Lane north to the City Limits.

6. 50 MPH
   a. Bremer Avenue, from a point 475' west of the intersection of 30th Street SE to a point 235' east of the intersection of Elm Street.

7. 55 MPH
   a. Bremer Avenue, from a point 235' east of the intersection of Elm Street to the east city limits.
   b. Iowa Highway 3 (Heritage Way), from a point just south of the entrance for 1900 Heritage Way out to the west city limits.
   c. U.S. Business Highway 218, from a point 350 feet west of the intersection of 30th Street NW to the west city limits.
   d. 4th Street SW, from a point 50' south of the 29th Avenue SW intersection to the south city limits.

SEC. 105.3.02 TRUCK SPEED LIMITS. It is unlawful for the driver of a freight-carrying vehicle, with a gross weight of over five thousand pounds, to drive the same on any of the streets of the city at a speed exceeding the following:

1. Forty miles per hour for any freight-carrying vehicle equipped with pneumatic tires.

2. Twenty miles per hour for any freight-carrying vehicle equipped with solid rubber tires, if the weight of the vehicle and load is less than six tons, and twelve miles per hour for any freight-carrying vehicle equipped with solid rubber tires, if the weight of the vehicle and load is more than six tons.

SEC. 105.3.03 SPEED REDUCTIONS. The person operating a motor vehicle or motorcycle shall have the same under control and shall reduce the speed to a reasonable and proper rate:

1. When approaching and passing a person walking or riding a bicycle in the traveled portion of a public street.

2. When approaching and passing an animal which is being led, ridden or driven upon a public street.

3. When approaching and traversing a crossing or intersection of a public street, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public street.

SEC. 105.3.04 MINIMUM SPEED REGULATIONS. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is speed is necessary for safe operation, or in compliance with law.

SEC. 105.3.05 EMERGENCY VEHICLE SPEED. The speed limitations set forth in Section 105.3.01 shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets, nor shall it protect the driver of any such vehicle from the consequence of his negligence.

SEC. 105.3.06 SPECIAL RESTRICTIONS. Whenever the city council of Waverly shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, except primary road extensions, said council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe. Such speed limit shall be effective when proper and appropriate signs giving notice thereof are erected at such intersections or other place or part of the street.

Section 105.4 Stopping, Standing and Parking

SEC. 105.4.01 METHOD OF PARKING. Except where angle parking is permitted, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within eighteen inches of the right hand curb.

SEC. 105.4.02 DOUBLE PARKING. Double parking is prohibited upon all streets, except in an emergency, and then only if an operator capable of moving the vehicle remains therein.

SEC. 105.4.03 STALLS AND SECTIONS. Where now or hereafter stalls or sections may be marked or painted upon the surface of any street or portion thereof, it shall be the duty of the driver or operator of any vehicle to park the same within the limits of one of the stalls or sections and not over or across the lines.

SEC. 105.4.04 PARKING LONG VEHICLES. No part of any vehicle or the load thereon when parked within a diagonal parking district shall extend into the roadway more than a distance of sixteen feet when measured at right angles to the adjacent curb.

SEC. 105.4.05 PLACES PROHIBITED. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk, except a bicycle may stop, stand or park on a sidewalk.
2. That portion of the right-of-way between the curb lines or the lateral lines of a roadway and 4the adjacent sidewalk or, if there is no sidewalk, the area within six (6) feet of the lateral line of the roadway, unless said area has been previously paved and approved for parking.
3. In front of a public or private driveway.
4. Within an intersection.
5. Within five feet of a fire hydrant.
6. On a crosswalk.
7. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings.
9. Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign posted.
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.
14. At any place where official signs prohibit stopping or parking.
15. Upon any street in the city in violation of the city′s snow removal ordinance.
16. Within any alley except while expeditiously loading or unloading freight, merchandise or materials.

SEC. 105.4.06 TIME LIMIT.

1. It is unlawful for any person or corporation to let stand, remain or park any motor vehicle or non-motorized vehicle, including trailers, whether capable of functioning or not, upon the public highways, streets, avenues, alleys or city parking lots of the city for a continuous period exceeding forty-eight hours. Vehicles violating the ordinance may be ticketed and/or towed at owner's expense.

2. It is the intent and purpose of this section to prevent congestion on the streets of the city due to the parking of vehicles for an unreasonable length of time. Mere transfer of position of the vehicle from one parking space to another in the vicinity shall not circumvent application to this section.

SEC. 105.4.07 TRUCK PARKING. It is unlawful for any person, firm or corporation to park a truck, as hereinafter defined, upon any public street in an area zoned as a residential district for a period of time exceeding one hour, unless the truck is actually being used for the delivery or picking up of

goods, or is necessary in the conduct of the truck owner's work being actually carried on by the owner upon the property abutting the street where the truck is parked, and the parking thus allowed shall be limited to the time of the delivery or picking up of goods, or during the period while work is actually being performed. For purposes of this section, a truck is defined as being any motor vehicle, other than a passenger car, designed for and capable of carrying loads in excess of three-quarters ton. The restrictions set forth in this section shall in no way apply to vehicles commonly known as pickup or panel trucks or station wagons.

SEC. 105.4.08 AUTHORITY TO ESTABLISH TEMPORARY PARKING ZONES. The police chief shall have the authority to cause to be placed and maintained emergency or temporary no parking zones for the duration of an emergency or temporary condition as traffic conditions and public safety may require and also to allow for the maintenance of and snow removal on city streets. In exercising this authority the police chief shall cause to be placed such temporary no parking signs so as to clearly designate the temporary no parking zone. Except in an emergency a no parking restriction established under this section shall not be enforced for a minimum of two hours after the temporary signs have been posted.

SEC. 105.4.09 HANDICAPPED PARKING. Parking spaces reserved for vehicles displaying State approved handicapped parking privileges and specially adopted by the city council are as follows:

1. Street parking.
   - (a) First stall on 1st and 2nd Streets SE on west side;
   - (b) First stall on 2nd Street NE on east side;
   - (c) First stall north of the alley on the east side of 1st Street SE between Bremer and 1st Avenue SE.
   - (d) First two stalls on the North sides of 1st Avenue NW West of 9th Street NW.
   - (e) First stall on the East side of 2nd Street SW south of West Bremer Avenue. (Amended by Ordinance 1048-12/11/18)

2. At Churches.

   (a) St. John's Lutheran Church. The first two stalls on the north side of 4th Avenue SW west of the intersection of 3rd Street and 4th Avenue SW; and The first stall west of the drive on the north side of 4th Avenue SW west of the intersection of 3rd Street SW and 4th Avenue SW;

   (b) First Baptist Church. The first stall on the east side of 3rd Street SW south of the intersection of 1st Avenue SW and 3rd Street SW.

   (c) St. Paul's Lutheran Church. The first stall on the east side of 2nd Street NW north of the intersection of 2nd Avenue NW and 2nd Street NW.

3. City owned parking lots.
   a. **Lot 1** – Northeast public parking lot (adjacent to 1st Street Northeast and 1st Avenue Northeast), SE public parking lot (adjacent to 2nd Street SE and 1st Avenue SE), three spaces as signed.

   b. **Lot 2** – North half of block bordered by 2nd Street NE, Bremer Avenue, 1st Avenue NE and 3rd Street NE., five spaces as signed.

c. **Lot 3** – South half of block bordered by 2nd Street SE, Bremer Avenue, 1st Avenue SE, and 3rd Street SE., four spaces as signed.

d. **Lot 4** – Northeast corner of the block bordered by 1st Street NW, Bremer Avenue, 1st Avenue NW, and 2nd Street NW, two spots as signed.

e. **Lot 5** – Veterans Memorial Public Parking, including parking spaces on city parcels on each side of the alley between 4th Street SW and 5th Street SW in the first block south of Bremer Avenue. NO SIGNS

f. **Lot 6** – 1st Street SE public parking lot (adjacent to 1st Street SE and between 1st Avenue SE and 2nd Avenue SE), three spaces as signed.

g. **Lot 7** – Law Center Public Parking lot, two spaces as signed.

h. **Lot 8** – Civic Center Public Parking Lot – includes three parking stalls, two to the south and one to the north of the east building entrance.

i. Swimming Pool/Kids Kingdom parking lot – three spaces as signed.

j. Golf Course parking lot, four spaces as signed.

k. Brookwood Park public parking lot one space as signed.

l. Waverly Dog Park public parking lot one space as signed.

m. Recycling Center public parking lot one space as signed.

n. Public Services public parking lot two spaces as signed.

These spaces shall be marked with signs designating their use for handicapped parking only as per the Uniform Traffic Code. Persons using these restricted parking spaces shall have displayed on their vehicle a handicapped identification as issued by the Iowa Department of Transportation. Persons other than handicapped using these spaces shall be in violation of this code section.
(Amended by Ordinance 1048-12/11/18)

SEC. 105.4.10 ADDITIONAL PARKING RESTRICTIONS. Particular parking restrictions specially adopted by the city council are as follows: (Amended subsection 59 by Ordinance 1140 and Published 03/19/2024)

1. <u>One a.m. to six am.</u> All parking is prohibited on the following streets and avenues between the hours of one a.m. and six a.m.:

   a. <u>Bremer Avenue</u> from 5th Street East to the Canadian National Illinois Central Railroad crossing on West Bremer Avenue.

   b. <u>10th Street SW</u>, between Bremer Avenue and 2nd Avenue SW.

   c. <u>5th Street SW</u> On the west side between Bremer Avenue and 1st Avenue SW.

d. 3rd Street SW One the west side between Bremer Avenue and 1st Avenue SW.

e. 2nd Street SW between Bremer Avenue and 1st Avenue SW.

f. 1st Street SW between Bremer Avenue and 2nd Avenue SW.

g. 1st Street NW between Bremer Avenue and 6th Avenue NW.

h. 1st Street East between 1st Avenue NE and 1st Avenue SE.

i. 2nd Street East between 1st Avenue NE and 1st Avenue SE.

j. 3rd Street East between 1st Avenue NE and 1st Avenue SE.

k. 4th Street NW between Bremer Avenue and 1st Avenue NE.

l. 1st Avenue NE between 1st Street NE and 3rd Street NE.

m. 1st Avenue SE between 1st Street SE and 4th Street SE.

2. 1st Avenue NE – 30 minute parking on the south side of 1st Avenue NE, 69½ feet east of the intersection of 1st Avenue and 4th Street NE and ending 109½ feet east of said intersection 4 spaces as signed.

3. 1st Avenue NE Parking on the south side from 3rd Street NE to the Law Center parking lot driveway is restricted to law enforcement vehicles only. (Ordinance 1048-12/11/18)

4. 2nd Avenue SW It is unlawful to park any vehicle on 2nd Avenue SW between 10th Street SW and the Illinois Central Railroad tracks; and on the south side of 2nd Avenue SW between 8th Street SW and 10th Street SW.

5. 2nd Street SE It is unlawful to park any vehicle on the west side of 2nd Street SE from 1st Avenue SE north to the alley which runs east and west between 1st Street SE and 2nd Street SE, for a period of more than ten minutes, between the hours of 8:00 a.m. and 6:00 p.m., Mondays through Saturdays.

6. 2nd Street SE It is unlawful to park any vehicle on the east side of Second Street S.E. from the intersection of First Avenue S.E. north to alley which runs east and west between Second Street S.E. and Third Street S.E., for a period of more than ten minutes between the hours of 8:00 a.m. and 6:00 p.m., Mondays through Saturdays.

7. Unless otherwise provided in this Code, all parking on city streets, where allowed, shall be parallel parking. Angle parking is authorized, and parallel parking is prohibited at the following locations:

   a. 1st Avenue NE. On the south side of 1st Avenue NE starting at approximately 58 feet from 2nd Street NE and continuing to 3rd Street NE
   b. 1st Avenue NE. On the north side of 1st Avenue NE from 3rd Street NE to a point 137 feet east of 3rd Street NE.
   c. 1st Avenue NE. On the south side of 1st Avenue NE between 4th and 5th Street NE.

d. 1st Avenue NE. On the north side of 1st Avenue NE from 3rd Street NE to a point 137 feet east of 3rd Street NE.
e. 1st Avenue SE. On the north side of 1st Avenue SE between 2nd and 3rd Street SE.
f. 2nd Street NE On the east side of 2nd Street NE between 1st Avenue NE and alley to north.
g. 2nd Street NW. On the east side of 2nd Street NW between 1st Avenue and 2nd Avenue NW.
h. 3rd Street NW. Northbound on 3rd Street NW from West Bremer Avenue to 1st Avenue NW angle parking is authorized. (Amended by Ordinance 1048 – 12/11/18)
i. 3rd Avenue NW. On the north and south side of 3rd Avenue NW between 15th Street and 16th Street NW.
j. 3rd Avenue NW. On the south side of 3rd Avenue NW between 1st Street NW and alley.
k. 3rd Street NE. On the east side of 3rd Street NE between 1st Avenue NE and alley to north.
l. 5th Street NE. On the west side of 5th Street NE between Bremer Avenue and 1st Avenue NE.
m. 4th Avenue SW. On the north and south side of 4th Avenue SW between 3rd Street SW and 4th Street SW.
n. 5th Aveue SW. On the south side of 5th Avenue SW from 7th Street SW to 8th Street SW.
o. 9th Street SW. On the east and west side of 9th Street SW between Bremer Avenue and alley.
p. 11th Street NW. Angle parking is authorized and parallel is prohibited at the following locations: On the east side of 11th Street NW between West Bremer Avenue and the alley and from the alley to 1st Avenue NW. Parallel parking on the West side of 11th Street NW is prohibited. (Ordinance 976 02-17-14) To establish two-way direction traffic regulations for the alley within the 100 block of 11th Street NW. (Ordinance 989 11-24-14)
q. 15th Street NW. On the east side of 15th Street NW and 166 feet north of West Bremer Avenue.

8. 4th Street SW It is unlawful to park any vehicle on either side of 4th Street SW (Highway 218) between Bremer Avenue West and 29th Avenue SW

9. 5th Avenue NW. It shall be unlawful to park or leave unattended any vehicle on:
a. The north side of 5th Avenue NW between 12th Street NW and the Cedar Valley Railroad tracks.
b. The south side of 5th Avenue NW between the intersection of 12th Street NW and a point 121 feet west of the centerline of 13th Street NW.
c. The north side of 5th Avenue NW between 8th Street NW and 12th Street NW with the exception that vehicles may be parked on the north side of 5th Avenue NW for a period not to exceed twenty minutes between 9th Street NW and 11th Street NW (as vacated and transferred to Wartburg College) in the areas marked and designated as “loading zones.”
d. The south side of 5th Avenue NW between 8th Street NW and 12th Street NW.

10. 5th Street NW It shall be unlawful to park or leave unattended any vehicle on:
a. The west side of 5th Street NW from Bremer Avenue to 7th Avenue NW.
b. The west side of 5th Street NW, between 7th Avenue NW and a point located three hundred fifty feet north of the center of the intersection of 5th Street NW and 7th Avenue NW.
c. The east side of 5th Street NW from West Bremer Avenue to the alley located on Block 48, Harmon and Levalley's addition to Waverly, Iowa.

11. 6th Street SW It is unlawful to park any vehicle upon the east side of 6th Street SW between Bremer Avenue and 1st Avenue SW It is also unlawful to park any vehicle on the west side of 6th Street SW between Bremer Avenue and a point one hundred fifty feet south of Bremer Avenue.

12. 8th Street NE It is unlawful to park any vehicle on:
a. The west side of 8th Street NE between East Bremer Avenue and 2nd Avenue NE.
b. The east side of 8th Street NE.

13. 8th Street NW It is unlawful to park any vehicle on the east side of 8th Street NW between 4th Avenue NW and 5th Avenue NW.

14. 8th Street SW It is unlawful to park any vehicle within five (5) feet of either side of the alley curb on the west side of 8th Street SW, and the east side of 8th Street SW, between the two driveway curb cuts, which lie directly across from the alley located on the west side of 8th Street SW.

15. 12th Street NW It is unlawful to park any vehicle on:
a. The west side of12th Street NW from Bremer Avenue to 7th Avenue NW; and from the south side Gateway Blvd. sidewalk that connects with pedestrian ramps on both sides of 12th Street NW north to the city limits.
b. It shall be unlawful to park any vehicle on the east side of 12th Street NW from the Illinois Central Railroad tracks to 7th Avenue NW; and from the south side Gateway Blvd sidewalk that connects with pedestrian ramps on both sides of 12th Street NW north to the city limits.
c. It is unlawful to park any vehicle on either side of 12th Street NW between Bremer Avenue and 1st Avenue NW.
d. It shall be unlawful to park any vehicle on the east of 12th Street NW between Wilson Avenue and 5th Avenue NW; and south of Wilson Avenue 265 feet.

16. Cedar Lane. It is unlawful to park any vehicle on Cedar Lane from 2nd Avenue NE north to Horton Rd, except in designated parking areas.

17. High School Area.
A. It shall be unlawful to park or leave unattended any vehicle on the following streets for a period of more than two hours between the hours of 8:00 A. M. and 4:00 P. M., Monday through Friday while school is in session: Fourth Avenue SW.
B. It shall be unlawful to park or leave unattended any vehicle on the following streets:
   a. On the east side of Sunset Street between 2nd Avenue SW and 4th Avenue SW.
   b. On the west side of Iowa Street between 2nd Avenue SW and 4th Avenue SW.
   c. On the north side of 3rd Avenue SW between Sunset Street and Iowa Street.

18. Business Highway 218. It shall be unlawful to park any vehicle on either side Business of Highway 218 commencing at the West City limits and continuing along Highway 218 to the intersection with Bremer Avenue.

19. 20th Street NW. No parking shall be allowed on 20th Street NW between 3rd Avenue NW and Bremer Avenue.

20. Municipal Parking Lots. It shall be unlawful to park any vehicle in the following designated municipal parking lots in violation of the following restrictions. A twenty-four-hour parking limitation shall apply in the following municipal lots except those spaces defined as Reserve Parking. (Ordinance 997 – Published on 6/30/15)

    a. **Lot 1** – NW quarter of block bordered by 1st Street NE and 1st Avenue NE.

    b. **Lot 2** – North half of block bordered by 2nd Street NE, Bremer Avenue, 1st Avenue NE, and 3rd Street NE.

    c. **Lot 3** – South one-half of block bordered by 2nd Street SE, Bremer Avenue, 1st Avenue SE, and 3rd Street SE.

    d. **Lot 4** – Northeast corner of the block bordered by 1st Street NW, Bremer Avenue 1st Avenue NW, and 2nd Street NW.

    e. **Lot 5** – Veterans Memorial Public Parking, including parking spaces on city parcels on each side of the alley between 4th Street SW and 5th Street SW in the first block south of Bremer Avenue. This parking area shall permit Overnight Parking.

    f. **Lot 6** – 1st Street SE public parking lot (adjacent to 1st Street SE and between 1st Avenue SE and 2nd Avenue SE).

    g. **Lot 7** – Law Center Public Parking Lot. This parking lost be Twenty-Four Hour Parking.

    h. **Lot 8** – Civic Center Parking Lots. No overnight parking.

    i. **Other** – All parking lots at city parks and facilities, including the Dog Park and Golf Course parking lots. No overnight parking.

21. Reserve Parking.
The west four spaces of the south sub-lot, the west four non-handicapped spaces of the central sub-lot, and the west four spaces of the north sub-lot of the City Parking Lot in the northwest quarter of the block bounded by 1st Street NE, 1st Avenue NE, 3rd Street NE, and Bremer Avenue are hereby established as Big 6 Development Reserve Parking and parking is restricted except to those residents of the Big 6 Development and requires a permit. Spaces designated as Reserved Parking in Lots #1-3 of Municipal Parking Lots Section 105.4.10.40 are also restricted to those residents who have been issued an annual Reserve Parking Permit from the City of Waverly City Clerk's Office. Reserved parking spaces shall be designated through the use of City owned and maintained signage. Residents residing in the Big 6 Redevelopment Project will be assigned parking spaces and permits with corresponding identification. Said residents and businesses will be issued a parking permit in exchange for

an annual fee of $50.00 payable to the City of Waverly at the City Clerk's office on or before January 1 of each year. In the event of a new occupant, at an aforesaid location, the permit is transferrable, and issues of unused monetary portion will be decided between the parties. The new occupant must supply the City Clerk's office new contact information through filling out a permit application. The City of Waverly will reissue a replacement permit due to it being lost or stolen at the cost of $25.00. Beginning the date of passage of this ordinance, Council may change the annual fee and replacement fee through a resolution.

22. Near Certain Intersections. It is unlawful to park any motor vehicle within thirty-five feet of any intersection of 4th Street SW (Highway 218) and 1st Avenue SW through 8th Street SW, and within any intersection of Bremer Avenue (Highway 3) and all streets intersecting therewith from the Illinois Central railroad tracks to the east city limits. The thirty-five foot limitation set forth shall commence at the back sidewalk line of each intersecting street.

23. Snow Routes. The following public streets within the City of Waverly are hereby designated official snow routes, and shall be so identified by signs conforming to Iowa State Department of Transportation guidelines:

a. 12th Street NW from Bremer Avenue to North Corporate Limits.

b. Ridgewood Boulevard from 12th Street NW to Cedar River Drive

c. Cedar River Drive from Ridgewood Boulevard to 7th Avenue NW

d. 7th Avenue NW from 12th Street NW to 5th Street NW

e. 5th Street NW from 7th Avenue NW to 5th Avenue NW

f. 5th Avenue NW from Business 218 to 1st Street NW

g. 20th Street NW from Business 218 to 5th Avenue NW

h. Business 218 from Bremer Avenue out to West City Limits (including ramp)

i. 1st Street NW from Bremer Avenue to Adams Parkway

j. Adams Parkway/Horton Road from 1st Street NW to North Corporate Limits

k. 3rd Street NE from 2nd Avenue NE to Bremer Avenue

l. Bremer Avenue from Illinois Central Railroad tracks to 8th Street NE;

m. 8th Street NE from Bremer Avenue to 2nd Avenue NE;

n. 2nd Avenue NE from 3rd Street NE to Bremer Road; Bremer Road to East City Limits

o. 16th Street SW from Bremer Avenue to 10th Avenue SW

p. 10th Avenue SW from Hwy 3 to 4th Street SW

q. Cedar River Parkway from 4th Street SW to Hwy 3

r. 2nd Avenue SW from 16th Street SW to 1st Street SW

s. 10th Street SW from Bremer Avenue to 2nd Avenue SW

t. 4th Street SW from Bremer Avenue to 8th Avenue SW

u. 1st Street SW from Bremer Avenue to 8th Avenue SW

v. 8th Avenue SW from 4th Street SW to 1st Street SE

w. 1st Street SE from 8th Avenue SE to Cedar River Parkway

x. 8th Street SW from 2nd Avenue SW to 5th Avenue SW

y. 7th Avenue SE from 1st Street SW to 4th Street SE

z. 4th Street SE from 7th Avenue SE to Crestwood Avenue

aa. 15th Street NW from West Bremer Avenue to 3rd Avenue NW

bb. 3rd Avenue NW from 15th Street NW to 24th Street NW

cc. 24th Street NW between Business 218 and West Bremer Avenue

dd. West Bremer Avenue from 24th Street NW to Business 218

A snow removal emergency shall be deemed to exist after an accumulation of any amount of snow on city streets, or after declaration of a snow removal emergency by the public works director, through a public radio announcement. Said emergency shall be deemed to continue for a period of twenty-four hours thereafter unless such period of time shall be shortened or extended by declaration of the public works director. The public works director may declare a snow emergency in accordance with the above prior to snow fall occurring if based on weather predictions and existing snow conditions such declaration is warranted to ensure the clear use of snow routes during the next twenty-four hour period through a public radio announcement. It shall be unlawful for any person to park or leave unattended or unoccupied any vehicle upon a designated snow route within the City of Waverly during the existence of a snow removal emergency. The parking restrictions shall be inapplicable to vehicles parked upon a street within a city block in any designated snow route that has been cleared of snow from curb to curb, for the entire length of the block. Any vehicle parked or left unattended upon a designated snow route in violation of this section may be towed or removed at its owner's expense through police authorization and the owner of any vehicle parked or left unattended in violation of this section shall be subject to fine for illegal parking.

24. 2nd Avenue NE It shall be unlawful to park or leave unattended any vehicle on the north side of 2nd Avenue NE from 1st Street NE to 8th Street NE

25. 16th Street SW. It shall be unlawful to park or leave unattended any vehicle for more than two hours during school hours on the east side of 16th Street SW from 4th Avenue SW to Leitha Terrace.

26. Centennial Oaks Golf Club Addition–prohibit parking on:
    a. East side of 3rd Street SW from Oak Ridge Circle south to 29th Ave. SW;
    b. The west side of 3rd Street SW starting 260 feet north of Eagle Ridge Drive thence south to 29th Ave. SW;
    c. The south side of Eagle Ridge Drive from 3rd Street SW to 8th Street SE;
    d. The north side of Eagle Ridge Drive from 3rd Street SW to a point 736 feet west and south of Mulligan Circle.
    e. The west and north sides of August Lane.
    f. The north side of St. Andrews Place.

27. Parkview Estates – prohibit parking on:
    a. East side of Park 26th Street from Park 2nd Avenue to Park 3rd Avenue;
    b. North Side of Park 2nd Avenue from 24th Street NW to a point 171 feet west of Park 26th Street.

28. 29th Avenue SW. Prohibit parking on the North and south side of 29th Avenue SW from 4th Street SW to 11th Street SE.

29. Oak Ridge Circle. Prohibit parking on the North and south side of Oak Ridge Circle from 4th Street SW to 3rd Street SW.

30. 8th Street SW. Prohibit parking on the west side of 8th Street SW from 2nd Avenue SW to 5th Avenue SW.

31. Waverly Business Park. Prohibit parking on Technology Place, 8th Street SW and 16th Avenue SW.

32. Copper Terrace Third Addition. Prohibit parking on:
    a. The west and north sides of Copper Terrace.
    b. The west side of Platinum Place.

33. Rolling Hills Addition – Prohibit parking on:
    a. North side of Viola Drive
    b. North side of Monaghan Drive
    c. West side of Terrace Drive

34. Jadestone Subdivision – Prohibit parking on:
    a. South side of Dalton Drive
    b. North side of Shepherd Avenue
    c. West side of Frank Street
    d. East side of Charlene Street
    e. East side of 13th Street NW from Dalton Drive to Park Avenue NW

35. 1st Street SE. Prohibit parking on the West side of 1st Street SE between the driveways of 910 and 914 1st Street SE.

36. High Point First Addition – Prohibit parking on:
    a. north side of 2nd Avenue NE from 12th Street NE to Bremer Road
    b. west side of 12th Street NE from 1st Avenue NE northward to end of street
    c. north side of Gavin Drive from 12th Street NE to Carson Circle
    d. east and south sides of Gavin Drive north of Carson Circle
    e. east side of Carson Circle

37. Impala Subdivision – Prohibit parking on:
    a. south side of Bel Air Drive
    b. east side of Riviera Place
    c. north side of Catalina Avenue
    d. west side of Camaro Drive
    e. west side of Chevelle Lane

38. Prairie Park First Addition: Prohibit parking on:
    a. North side of Tumbleweed Trail
    b. West side of Evans Street
    c. West side of Thistle Lane
    d. West side of Wild Rose Lane
    e. West side of Prairie Drive
    f. West side of Clover Lane

39. Wartburg College Area: Prohibit parking on:
    a. North side of 1st Avenue NW from 90 feet west to 90 feet east of the Wartburg Boulevard raised median (west and east extensions)
    b. South side of 1st Avenue NW from 12th Street NW 90 feet east of the Wartburg Boulevard raised median (east extension)
    c. West side of 7th Street NW from 2nd Avenue NW to 4th Avenue NW, excluding designated off-street parking
    d. West side of Wartburg Boulevard from Bremer Avenue to 2nd Avenue NW
    e. West side of Wartburg Boulevard from Bremer Avenue to 90 feet north of the Wartburg Boulevard raised median (north extension)

40. Stone Haven Addition Plat IV – Prohibit Parking on:
    a. inside alignment of Flintstone Drive from 16th Avenue SW to 1st Street SE
    b. northwest side of Rubble Road
    c. north side of 16th Avenue SW from 3rd Street SW to 1st Street SE

41. 39th Street SE – Prohibit Parking on:
    a. Both sides of 39th Street SE from East Bremer Avenue south to City limits
    b. Both sides of 39th Street NE from Bremer Avenue north to City Limits.

42. 2nd Street SE – Prohibit parking on the east side of 2nd Street SE from 1st Avenue SE north to alley.

43. 3rd Street SE – Prohibit parking on the west side of 3rd Street SE from 1st Avenue SE north to alley.

44. Wilson Avenue – Prohibit parking on both sides of Wilson Avenue to 160 feet west of 12th Street NW.

45. 3rd Street NW: 3rd Street NW from 100 feet north of the West Bremer Avenue centerline to 1st Avenue NW, shall be a northbound one-way street.

46. Eisenach Village – Prohibit parking on:
a. The north and west sides of Knight Avenue;
b. The south side of Knight Avenue from 20th Street NW east for 150 feet;
c. The south and east sides of Bach Drive;
d. The north side of Martin Avenue.

47. Anna Estates – Prohibit parking on:
a. The west side of Knight Avenue from Eisenach Village to Park Avenue;
b. The east side of Bany Avenue;
c. The north side of Bartels Avenue.

48. Iowa Highway 3 (Bremer Avenue)

a. On primary highways at signalized intersections, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic-control signal and a distance of 20 feet beyond the far sidewalk. At non-signalized intersections, parking will be prohibited 55 feet in advance of the near sidewalk and 22 feet beyond the far sidewalk.

b. On minor side streets controlled with stop signs, with two through lanes and two parking lanes (parallel or diagonal), parking will be prohibited a distance of 35 feet in advance of the near sidewalk or stop sign and a distance of 35 feet beyond the far sidewalk. On minor side streets controlled with stop signs, with four through lanes and two parallel or diagonal parking lanes, parking will be prohibited a distance of 35 feet in advance of the near sidewalk or stop sign and a distance of 20 feet beyond the far sidewalk.

c. On minor side streets with traffic control signals, with two through lanes and two parallel parking lanes, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic signal and a distance of 35 feet beyond the far sidewalk. On minor side streets with four through lanes and parallel or diagonal parking lanes, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic signal and a distance of 20 feet beyond the far sidewalk.

49. Cedar River Parkway/10th Avenue SW – Prohibit parking on both sides of the arterial road at any time from Heritage Way to IA Hwy 3 East.

50. Omni Development Second Addition/Stone Haven IV – No parking on the West side of 1st Street SE from Flintstone Dr. to the Cedar River Parkway.

51. Whitetail Bluff – Prohibit parking on:
a. The south side of Deerfield Circle;
b. The east side of Fawn Hollow;
c. The north side of Red Fox Trail.

52. 2nd Avenue Place (SW) – No parking on the south side of 2nd Avenue Place from 10th Street SW to the end of the street.

53. 13th Avenue SW
    a. No parking on any side of 13th Avenue SW, west of 4th Street SW.
    b. No parking on the south side of 13th Avenue SW from 4th Street SW to 3rd Street SW.
    c. No parking on the north side of 13th Avenue SW from 200 feet west of 3rd Street SW to 4th Street SW.

54. Jensen Addition – No parking on either side of 30th Street NW from 5th Avenue NW to end of street.

55. Northridge Parkway – No parking on either side of 30th Street NW from 5th Avenue NW to end of street.

56. Crestwood Avenue – No parking on either side of Crestwood Avenue from 4th Street SE to 8th Street SE.

57. 8th Street SE – No parking on either side of 8th Street SE from Crestwood Avenue to 17th Avenue SE, except that part of the west side of 8th Street SE between Cedar River Parkway and a point 450 feet northerly thereof that have improved, designated parking areas.

58. 4th Avenue NW – No parking on the north side of 4th Avenue NW from 7th Street NW to 8th Street NW.

59. 6th Avenue NW – No parking on the north side of 6th Avenue NW from the East line of 7th Street NW to the West line of 6th Street NW. (Amended by Ordinance 1143 and Published 06/04/2024)

60. West Bremer Avenue – No parking on the north side of West Bremer Avenue from 21st Street NW to 23rd Street NW. (Ordinance 1150, Third Reading Passed 07/15/24; Published 07/23/24)

61. Restricted Parking – Except as otherwise provided in this Ordinance, unrestricted parking is allowed in a municipal lot except as specifically restricted by council resolution. The City shall post a sign indicating restricted spaces within municipal lots as designated by council resolution. (Ordinance 1155, Third Reading Passed 10/21/24; Published 10/29/24)

62. Stone Meadows Subdivision –
    Stone Lane: No parking on the west side of Stone Lane from Cedar River Parkway south 900'. No parking on the east side of Stone Lane from Cedar River Parkway to Riverbend Road.

    Riverbend Road: No parking on the north side of Riverbend Road.

    Rock Ridge Road: No parking on the east side of Rock Ridge Road. No parking on the west side from Cedar River Parkway to Riverbend Road.
    (Ordinance 1181, Third Reading Passed 08/17/26; Published 08/25/64)

SEC. 105.4.11 ILLEGAL PARKING FINES

A. A fine of $20.00 shall be issued by the Waverly Police Department for illegal parking within the City of Waverly, Iowa. This fine shall apply to all illegal parking activities within the City of

Waverly, Iowa, except for improper use of a persons with disabilities parking space or permit and those illegal parking activities for which a conflicting fine is specifically provided for by the Code of Iowa. A fine for improper use of a persons with disabilities parking space; or improper use of a persons with disabilities parking permit shall be $100.00.

These fines may be charged and collected upon a simple notice of fine in the form of a parking ticket payable to the Waverly Police Department Clerk at the Bremer-Waverly Law Enforcement Center.

The $20.00 fine shall increase to $25.00 if the parking violation is not paid within 30 days of the date upon which the violation occurred.

All fines collected by the City pursuant to the above paragraphs shall be retained by the City.

B. The fine established herein shall be effective June 1, 2025.

C. In any proceedings for violation of the parking provisions of this ordinance, the registered owner or title owner involved in said violations shall constitute in evidence a prima facie presumption that the owner of such vehicle, as defined by State of IA 321.1.90, was the person who parked or placed such vehicle at the point where such violation occurred.

D. A parking ticket issued under paragraph A of this section shall contain the following statement: “Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicles registration.”

E. Notwithstanding this Ordinance violation of this Section may be prosecuted under the provisions of Iowa Code Sections 805.7 to 805.13 or as any other traffic violation.

Section 105.5 Miscellaneous Traffic Offenses

SEC. 105.5.01 THROUGH TRUCK TRAFFIC PROHIBITED.

1. Through truck traffic is prohibited on the following described streets:
   (a) Third Avenue NW from 15th Street west to U.S. Highway 218.
   (b) Third Avenue NW from 21st Street NW to 24th Street NW.
   (c) Twenty-fourth Street NW from 3rd Avenue NW to U.S. Highway 218.

2. For purposes of this section trucks shall be defined as any freight carrying vehicle with a license for a gross weight of six tons or more.

3. Any trucks which have a destination within the above described limits and all street maintenance trucks are expressly excepted from the provisions of this section. It being the purpose of this section to prohibit passage of trucks over the street as a means of reaching a destination other than one situated within the above described limits.

4. These streets shall be adequately signed to indicate the above restrictions as per the Uniform Traffic Code.

SEC. 105.5.02 MEETING AND TURNING TO RIGHT. Persons on horseback or in vehicles, including motor vehicles, meeting each other on public streets shall give one-half of the traveled way thereof by turning to the right.

SEC. 105.5.03 STOPPING VEHICLE ON SIGNAL BY OFFICER. Operators of vehicles upon the streets of the city shall, upon signal of the traffic or police officer, immediately drive the same to the nearest curb or to the side of the street and bring the same to stop, there to await the communications, orders or directions of such officer. The fact, if established, that the operator had committed no offense for which he was subject to arrest shall not constitute a defense to a prosecution under this section.

SEC. 105.5.04 ENTERING FROM PRIVATE DRIVEWAY. The driver of a vehicle about to enter or cross a street from a private road, driveway or building shall yield the right-of-way to all vehicles approaching on the street.

SEC. 105.5.05 U-TURNS. It is unlawful for any person operating a motor vehicle to make U-turns at the following street intersections of the city: West Bremer Avenue and First Street West; West Bremer Avenue and Fourth Street West; East Bremer Avenue and First Street East; East Bremer Avenue and Second Street East; East Bremer Avenue and Third Street East; First Avenue SE and First Street SE; West Bremer Avenue and Twelfth Street West and East Bremer Avenue and Fourth Street East.

SEC. 105.5.06 CAUSING EXCESSIVE NOISE. It is unlawful for any person in operating a motor vehicle within the city to so accelerate or decelerate the vehicle in such a matter as to cause excessive noise by the friction of the tires of the vehicle on a city street or other pavement except when such acceleration or deceleration is reasonably necessary to avoid a collision.

SEC. 105.5.07 REMOVING DANGER SIGNALS. Any person who removes, throws down, destroys or carries away from any street, alley or public place any lamp, lantern, flare or other light, barricade or danger signal, within the city, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof, is guilty of a misdemeanor.

SEC. 105.5.08 AVOIDING BARRICADES. Any person who drives a vehicle around, through, avoids or in any other way ignores any barricade or warning in any street, alley or public place within the city, erected and placed therein for the purpose of construction, or placed therein by the order of the police chief, is guilty of a misdemeanor.

SEC. 105.5.09 SAFETY STANDARDS. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway or street any vehicle or combination of vehicles which is in unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper conditions and adjustment as required in the Code of Iowa, or in this chapter, or which is equipped in any one or more unsafe tires or which is equipped in any manner in violation of the Code of Iowa or this chapter of the Waverly City Code.

SEC. 105.5.10 GOLF CARTS. The purpose of this section is to permit the operation of golf carts on streets in the city as authorized by Section 321.247 of the Code of Iowa, as amended. This section applies whenever a golf cart is operated on any street under the following conditions:

1. “Golf cart” means a three or four wheeled recreational vehicle generally used for the transportation of persons in the sport of golf on a golf course. Golf cart does not include an all-terrain vehicle (ATV) or other similarly designed and operated vehicles.

2. Any person operating a golf cart upon any city street must be 16 (sixteen) years of age or older and have in his or her possession a valid motor vehicle driver’s license.

3. Every person operating a golf cart upon a street shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.

4. Golf carts shall not be operated upon any city street which is a primary road extension through the city but shall be allowed to cross the city street which is a primary road extension through the city.

5. Golf carts shall not be allowed to operate on public sidewalks, bike paths, multi-purpose trails, or upon public green spaces such as parks, except under conditions set forth in a special events permit.

6. Golf carts operated upon any street shall be equipped with a slow-moving vehicle sign and a bicycle safety flag and shall have adequate brakes.

7. Golf carts shall be driven as close as practical to the right-hand edge of any street, except when executing a left turn.

8. Golf carts shall yield the right-of-way to other motor vehicles and pedestrians at all uncontrolled intersections regardless of the dictates of Section 321.319 of the Code of Iowa.

9. Golf carts shall be operated on city streets only from sunrise to sunset, regardless of whether the golf cart is equipped with lights.

10. The number of riders on a golf cart shall not exceed the number of occupants for which the golf cart is designed, and all riders must be seated on a seat designed for that purpose and seats shall not be overcrowded.

11. No person shall ride on, and no operator shall allow a person to ride on, a golf cart or on any portion thereof, not designed or intended for the conveyance of passengers.

12. No person shall operate a golf cart on a city street while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more. (Iowa Code Section 321J.2)

13. No person shall operate a golf cart upon a public street or highway while in possession of an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. (Iowa Code Section 321.284)

14. An operator of a golf cart on a city street shall maintain proof of financial responsibility as required by Iowa Code Section 321A.1(11)

15. A person who violates subsections (1) through (11) of this section is guilty of a simple misdemeanor punishable as a non-scheduled violation under Iowa Code.
(Repealed and Replaced by Ordinance 1115 – Published on 12/27/2022)

SEC. 105.5.12 No person shall ride or use a skateboard, coaster, roller skates, roller blades or similar devices on a street, alley or public property except at designated crosswalks while crossing the street in the area bounded by First Avenue North, First Avenue South, Fifth Street East and Sixth Street West and shall include the named streets, alleys and public property, within the described area. No person shall ride, use or operate a skate board, coaster, or roller skates, roller blades, or similar device on any sidewalk on Bremer Avenue from First Street East to Fourth Street East.

Section 105.6 Load Limits

SEC. 105.6.01 CERTAIN VEHICLES PROHIBITED ON STREETS. No person, firm or corporation shall move or cause to be moved any traction engine, automobile truck or other heavy vehicle or conveyance of any machinery so constructed that the wheels thereof cut, tear or otherwise injure any bridge, street or pavement, without first using planks to protect the pavement, bridge or street from any injury whatsoever.

SEC. 105.6.02 DRAGS PROHIBITED ON STREETS. No person, firm or corporation shall drag or cause to be dragged anything that will cut, injure or destroy the pavement on any street of the city.

SEC. 105.6.03 MAKING RUTS IN PAVEMENT. No person, firm or corporation or agent thereof, or driver of any heavily loaded vehicle or wagon, belonging to any such person, firm or corporation, shall follow a certain path with one wheel of such vehicle along the curb or gutter of any paved street so that such vehicle may cut the pavement by reason of repeatedly following such path and cause or make a cut or rut in the pavement.

SEC. 105.6.04 STREET EMBARGO--AUTHORIZED. The public works director is authorized, upon approval of the city council, to embargo certain streets and alleys within the city limits.

SEC. 105.6.05 STREET EMBARGO--LOAD LIMIT COMPLIANCE REQUIRED. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time.

Section 105.7 School Zones Designated

SEC. 105.7.01 SCHOOL ZONE NO. 1 DESCRIBED. **W/SR High School/Middle School.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 1:

> Starting at the center point of the intersection of 11th Street SW and 4th Avenue SW, thence running west to the center point of 16th Street SW to Leitha Terrace and running north along 16th Street to 2nd Avenue SW.

SEC. 105.7.02 SCHOOL ZONE NO. 2 DESCRIBED. **Prairie West Elementary**. The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 2:

> Starting 300 feet east of the intersection of 30th Street NW and 5th Avenue NW / Business 218, thence west to a point 300 feet west of the intersection of 30th Street NW and 5th Avenue NW / Business 218..

SEC. 105.7.03 SCHOOL ZONE NO. 3 DESCRIBED. **Northridge Elementary.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 3:

> Starting at a point on Horton Rd that is 300 feet south of the intersection of Horton Rd and Northridge Parkway, thence north to a point on Horton Rd that is 300 feet north of the intersection of Horton Rd and Northridge Parkway.

SEC. 105.7.04 SCHOOL ZONE NO. 4 DESCRIBED. **Southeast Elementary**. The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 4:

> Starting at the center point of the intersection of 3rd Street SE and 7th Avenue SE, thence running east to 4th Street SE, then running south to the center point of 4th Street SE and Crestwood.

SEC. 105.7.05 SCHOOL ZONE NO. 5 DESCRIBED. **Margaretta Carey Elementary.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 5:

> Starting at the center point of the intersection of 4th Street NW and 9th Avenue NW, thence running east to the center point of 2nd Street NW and 9th Avenue NW.

SEC. 105.7.06 SCHOOL ZONE NO. 6 DESCRIBED. **West Cedar Elementary.** The area embraced in the, following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 6:

> Starting at the center point of the intersection of West Bremer Avenue and 15th Street NW, thence running north to the center point of 3rd Avenue NW, thence running west to the center point of 17th Street NW.

SEC. 105.7.07 VEHICLE OPERATION. Every person, firm or corporation driving a motor vehicle shall bring their motor vehicle to a complete stop at least thirty-three feet from any movable stop signs that are placed upon or near the boundary lines of the school zones.

Section 105.8 Bicycles

SEC. 105.8.01 DEFINITIONS

For purposes of this chapter, the following terms are defined:

1. “Bicycle” means either of the following:

a. A device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
b. A device having up to three wheels with a saddle or seat for the rider, fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes of a low-speed electric bicycle:
    i. "Class 1" means a device equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.
    ii. "Class 2" means a device equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.
    iii. "Class 3" means a device equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

SEC. 105.8.02 OBSERVANCE OF TRAFFIC RULES. Bicycle operators have the same rights and duties as the operators of vehicles. All persons operating bicycles upon any street or sidewalk within the city shall observe all traffic rules, including, but not limited to, traffic signs and highway stop signs and shall signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use of motor vehicles upon streets and highways. Bicycle operators shall not weave in and out of traffic.

SEC. 105.8.03 SINGLE-FILE OPERATING. Bicycles shall be operated single file in business districts and upon sidewalks in residential districts, but may be operated not over two abreast elsewhere. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall operate as near to the right-hand side of the traveled portion of the roadway as practicable except under any of the following situations:

A. When two or more lanes are available in the same direction the bicycle shall have full rights to the right-hand lane.
B. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
C. When preparing for a left turn at an intersection or into a private road or driveway.
D. When reasonably necessary for the bicyclist to avoid conditions, including but not limited to, fixed or moving objects, pedestrians, animals, or surface hazards.

SEC. 105.8.0 4 E Q U I P M E N T REQUIRED.

1. Lights - Every bicycle shall be equipped with a lamp on the front exhibiting a white light and a lamp on the rear exhibiting a red light both visible from a distance of three hundred feet the hours of one-half hour before sunset to one-half hour after sunrise; except that a red reflector may be used in lieu of a rear light. A peace officer operating a police bicycle is not required to use either front or rear lamps if duty so requires.
2. Speedometer – A class 3 low-speed electric bicycle shall not be operated unless it is equipped with speedometer that displays its speed in miles per hour.

SEC. 105.8.05 OPERATING ON SIDEWALKS. Bicycles may be operated upon the sidewalks in the residential district and the business district.

SEC. 105.8.06 RIGHTS OF PEDESTRIANS. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles upon any sidewalks not herein prohibited, and any person using or operating a bicycle upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians.

SEC. 105.8.07 TOWING UNLAWFUL. It is unlawful for any person operating a bicycle to be towed or to tow any other vehicle upon the streets of the city. The exception to this is devices designed to be towed by a bicycle. It is also unlawful for any person operating a bicycle to follow an emergency vehicle at any time.

SEC. 105.8.08 CARRYING EXTRA PASSENGERS. Extra passengers shall not be carried upon a bicycle at any time except upon a suitable device constructed for passengers.

SEC. 105 .8.09 IMPROPER OPERATING FORBIDDEN.

1. It is unlawful for any person operating a bicycle within the city limits to operate in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise riding with disregard for either the operator's safety or the safety of others.
2. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger in compliance with 105.8.08.

SEC. 105.8.10 VIOLATION--PENALTY. Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1.24.010 of this code, or and further, any bicycle used in violation of this ordinance may be impounded by the police department for not less than five days for first offense, for ten days for second offense, and for thirty days for the third offense.
(Ordinance 985 – Published on 12/01/14)

Section 105.9 Snowmobiles

SEC. 105.9.01 PURPOSE. The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of snowmobiles and to establish areas where snowmobiles may be used for the safety and general welfare in the city.

SEC. 105.9.02 SNOWMOBILE DEFINED. For use within this chapter the following term is defined as follows: Snowmobile - means any self-propelled vehicle weighing less than 1,000 pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled type

runners or skis and with belt type tread or any combination thereof and is designed for travel on snow, land or ice, except any vehicle registered as a motor vehicle under the current Chapter of the Code of Iowa.

SEC. 105.9.003 MANNER OF OPERATION. No person shall operate a snowmobile in the city except as hereafter provided.

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

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

(3) Traffic Code. Snowmobile operators shall observe all state and local traffic control regulations and devices. Snowmobiles shall not operate within the city limits at a speed in excess of 15 miles per hour.

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

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

(6) Lights. No person shall operate a snowmobile upon a public street without a lighted headlight and tail light.

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

(8) Flag. No snowmobile shall operate upon public property without displaying a flag in an area not less than 6 x 9 inches of fluorescent orange color on a staff holder to put such flag at least five (5) feet above the ground.

(9) A snowmobile may make a direct crossing from a street or highway provided:

a. The crossing is made at an angle approximately 90° to the direction of the street or highway and at a place where no structure prevents a quick or safe crossing.

b. Snowmobiles must be brought to a complete stop before crossing the shoulder or main traveling way of the street or highway.

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

(10) Hours of Operation Limited. No snowmobiles shall be operated within the city limits of the City of Waverly between the hours of 12:00 midnight and 6:00 am. subject, however, to the following exceptions: during periods of local emergency the mayor may suspend these restrictions, and clubs and social groups of snowmobile operators may obtain permits for the operation of snowmobiles outside these prescribed hours from the police chief by making advance application. The police chief shall have the authority to prescribe the hours of operation of each permit granted.

(11) Thaw Ban. Snowmobiles shall not operate during a publicized thaw ban in areas posted to prohibit such operations.

(12) Deadman Throttle. No snowmobile shall be operated within the city unless equipped with ″deadman″ throttle which when pressure is removed from the accelerator throttle causes the engine to be disengaged from the drive mechanism.

(13) No snowmobile shall operate on private property without express consent of the owner.

(14) Snowmobiles shall not be allowed to operate on city parks, golf course, cemetery or other public property.

(15) Sidewalk or Parking. No snowmobile shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the ″parking″, except for purposes of crossing the same to a public street upon which operation is authorized by this ordinance.

SEC. 105.9.04 STREETS. Snowmobiles shall not operate on any street within the city except for the following designated streets which may be used for the sole and exclusive purpose of ingress and egress from the city limits.

(1) Horton Road from Three Rivers Park north to the north city limits.

(2) 20th Street NW from the railroad tracks south to Heritage Way.

(3) Heritage Way from 20th Street NW to the south city limits

(4) 5th Avenue NW from 20th Street NW to the west city limits.

(5) 39th Street NW from 5th Avenue NW north to the city limits.

(5a) 29th Avenue SW from the West City limits east to 4th Street SW (Highway 218), thence north on the west right-of-way only of 4th Street SW to 13th Avenue SW across the highway at 13th Avenue SW to stop at the Super 8 Motel.

(5b) Across 4th Street SW (Highway 218), at the intersection of 29th Avenue SW, thence South on the East right-of-way only of 4th Street SW to the South City Limits.

(6) Subject to valid lease agreements with the property owners, the following route is designated as a snowmobile route within the City of Waverly.

a. Starting on the east side of the intersection of 20th Street NW and the Cedar Valley railroad tracks; SE parallel to the railroad tracks on the east side to Wilson Avenue, west on Wilson Avenue to the west side of the railroad tracks. Thence, SE parallel to the railroad tracks on the west side to Bremer Avenue.

b. No snowmobiles shall operate on this route between the hours of 9:00 p.m. and 6:00 a.m.

(7) Three Rivers Park is hereby designated as a loading site for snowmobiles.

SEC. 105.9.05 ROADWAY PROHIBITED. For purposes of this chapter, no snowmobile may use the paved portion of the roadway except for purposes of crossing the same as provided in Section 105.9.03 (9).

SEC. 105.9.06 STATE CODE COMPLIANCE. Snowmobiles and operators of snowmobiles within the city shall comply with all provisions of Chapter 321G of the current Code of Iowa.

Section 105.10 Off-Road Utility Vehicles

105.10.01 PURPOSE. The purpose of Sections 105.10.01 through 105.10.10 is to establish registration of Off-Road Utility Vehicles (ORVs) for operation on certain streets within the City of Waverly as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, 2011 as amended.

105.10.02 DEFINITIONS. Off-road utility vehicle (ORV) means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

"Off-road utility vehicle" includes the following vehicles:

"Off-road utility vehicle - type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
"Off-road utility vehicle - type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
"Off-road utility vehicle - type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

105.10.03 GENERAL REGULATIONS. No person shall operate an Off-Road Utility Vehicle (ORV) within the City limits of the City of Waverly, Iowa in violation of the provisions of Chapter 321I of the Code of Iowa or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of Sections 105.10.01 through 105.10.10 of this Code.

105.10.04 OFF-ROAD UTILITY VEHICLES REGISTERED. No person shall operate an Off-Road Utility Vehicle on any public street or alley for any purpose unless said vehicle is registered with the City of Waverly. The City of Waverly will not register an All-Terrain Vehicle (ATV), as defined by Iowa Code 321G.1, for operation under this ordinance.

1. ORV owners shall register an ORV with the Waverly Police Department using forms provided by the Police Department.

2. The Police Department shall not register a vehicle under this provision until the following has occurred:

    a. The ORV is registered with the Iowa DNR and such registration is displayed in accordance with Iowa Code 321I.

b. Owner(s) has provided a policy of liability insurance which is insuring the person named as insured and any person using an insured ORV with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured ORV. The owners shall maintain such financial responsibility.

c. The Police Department has inspected the ORV to verify it meets the requirements of this Ordinance.

d. Owner has paid the registration fee set out below.

3. The registration sticker shall be displayed visibly and prominently on the left rear fender.

4. All registrations issued shall uniquely identify the name and address of the owner/operator.

5. The biennial registration fee with the City of Waverly shall be twenty-five dollars ($25.00). Registrations expire on December 31st.

6. Registrations shall be assigned to the owner of an ORV. When the owner of a registered ORV transfers, sells or assigns ownership of the ORV to another person, the owner shall remove the registration sticker from the ORV.

105.10.05 EXEMPT VEHICLES

1. Registration is not required for the following ORVs:
   a. A vehicle owned by the United States, this state, or another state, or by a governmental subdivision of a state and is used for: Enforcement, Search and rescue, Official research and studies.

   b. ORVs used exclusively for agricultural purposes.

105.10.06 EQUIPMENT. Any ORV registered with the City of Waverly shall be equipped as required by Section 321I.12 and 321I.13 of the Code of Iowa, including but not limited to: muffler, headlight, taillight, turn signals and brakes. ORV's shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street, and slow-moving vehicle sign attached to the rear of the ORV. Trailers attached to an ORV must display taillights. No attachment, other than a trailer, shall extend beyond 2' of the ORV, nor shall the attachment block required safety equipment.

105.10.07 OPERATION.

1. No person shall operate an ORV on any city street, alley or right of way who is not at least sixteen (16) years of age and does not have a valid Iowa Driver's license.

2. Traffic Code. Any person operating an ORV shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

3. Speed. No ORV shall be operated at a speed in excess of the lesser of thirty-five (35) miles per hour or that posted, nor shall any ORV be operated a speed greater than is reasonable and proper for the existing conditions.

4. Lights. No ORV shall be operated without a lighted headlight and taillight at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

5. Unattended ORV's and Parking. No person shall leave an ORV unattended on public property while the motor is running, or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulation in the City.

6. Hours of Operation. No ORV shall be operated in the City of Waverly from sunset to sunrise. ORV's may be operated during prohibited hours to perform snow removal activities.

7. Passengers. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle. Passengers on an ORV must be able to place both feet flat on the floorboards with their backs resting against the seat back.

8. A person shall not operate an ORV while under the influence of intoxicating liquor or narcotics or habit-forming drugs in accordance with 321J.

105.10.07 LOCATIONS.

1. City Streets. Registered ORV's may be operated upon streets under the jurisdiction and within the corporate limits of the City of Waverly. ORV's shall not be operated upon any city street that is a primary road extension or state highway. For the purpose of this ordinance Bremer Avenue (East city limits to 20th St West Bremer), 4th Street SW, 20th Street SW/Heritage Way, and Cedar River Parkway/10th Avenue SW shall be considered primary road extensions. ORV's may cross such primary road extensions provided all the following occur:

    a. The crossing is made at an angle of approximately ninety degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing.

    b. The off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the roadway.

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

    d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

    e. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

2. Trails. ORV's shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of ORV's.

3. Sidewalks. ORV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities for the abutting property.

4. "Parking". ORV's shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking" unless engaged in snow removal, maintenance, or landscaping activities for the abutting property.

5. City Parks and other land owned by the City of Waverly. ORV's shall not be operated in City parks or upon other city owned land unless for a special public event authorized by the Police Chief.

6. Private Property. ORV's may only be operated on private property with the express consent of the owner.

105.10.08 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ORV is involved in an accident resulting in injury or death to anyone, or property damage amounting to fifteen hundred ($1,500) or more.

105.10.09 STOPPING AND INSPECTING. A peace officer may stop and inspect an ORV operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the ORV is registered, numbered, or equipped as required by 321I.

105.10.10 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars ($100.00) and revocation of the City of Waverly registration for a period of two months.

2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two hundred ($200.00) and revocation of the City of Waverly registration for a period of two years.

3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars ($300.00) and permanent revocation of the City of Waverly registration.

4. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

(Ordinance 1098 – Published on 3/15/22)

105.11 AUTOMATED TRAFFIC ENFORCEMENT (Added Section by Ordinance 1141 and Published 03/26/2024)

Chapter 105.11 Automated Traffic Enforcement

105.11.01 Authority and Management
105.11.02 Definitions
105.11.03 Civil Fine for Automated Traffic Citations; No Reporting
105.11.04 Exemptions from Civil Fine for Automated Traffic Citations
105.11.05 Review of Detected Violation by City Designee
105.11.06 Notice of Automated Traffic Citation; Fines
105.11.07 Vehicle Owners Obligations Concerning an Automated Traffic Citations
105.11.08 Contesting an Automated Traffic Citation
105.11.09 Failure to Timely Pay or Challenge Automated Traffic Citation

105.11.01 Authority and Management.

In accordance with its police powers, the City may deploy, erect, or cause to have erected an Automated Traffic Enforcement System for capturing images of motor vehicles that violate traffic laws by failing to obey red light traffic signals at intersections designated by the Chief of Police or designee, by failing to obey pedestrians' right of way at locations designated by the Chief of Police or designee, or failing to obey speed regulations within the City.

The Police Department shall retain supervisory control over the System. The System may be managed by a private contractor that owns and operates the requisite equipment. The contractor shall provide photographic and/or video images of any potential violations to the Police Department to review and, in the event the Police Department determines a vehicle was operated in violation of the City's traffic control ordinances, the Police Department shall direct that a notice of Automated Traffic Citation be issued to the vehicle owner in accordance with this Chapter 105.11.

105.11.02 Definitions.

1. **Automated traffic citation** shall mean a notice of violation generated in connection with the Automated Traffic Enforcement System.
2. **Automated traffic enforcement contractor** shall mean the company or entity, if any, with which the City contracts to provide equipment and/or services in connection with the Automated Traffic Enforcement System.
3. **Automated traffic enforcement system** shall mean an electronic system consisting of a photographic, video, and/or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or Police Department employee to automatically produce photographs, video, or digital images of each vehicle violating a traffic control device, traffic ordinance, or speed restriction standard.
4. **Vehicle owner** shall mean the person or entity identified by the Iowa Department of Transportation, or identified by any other state vehicle registration office, as the registered owner of a vehicle detected violating a traffic law by failing to obey red light traffic signals at intersections designated by the Chief of Police or designee, by failing to obey pedestrians' right of way at locations designated by the Chief of

Police or designee, or failing to obey speed regulations within the City. Notwithstanding the foregoing, in the event the Iowa Department of Transportation or any other state vehicle registration office identifies a person or entity as the lessee of the vehicle, that lessee shall be the vehicle owner for the purposes of this Chapter 105.11. In the event a state registration office does not specify whether a person or entity listed on the registration for the vehicle is the owner or the lessee of the vehicle, any person or entity listed on the vehicle registration may be deemed the vehicle owner and held jointly and severally responsible for a violation of this section.

105.11.03 Vehicle Owner Subject to Civil Fine for Automated Traffic Citations.
Unless an exemption applies, as set forth in Section 105.11.04, the following violations shall be subject to a civil fine:

1. If a vehicle is detected crossing a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or arrow, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
2. If a vehicle is detected failing to yield to a pedestrians' right of way at a system location when the vehicle would be required to yield to a pedestrian in accordance with State Code of Iowa 321.327, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
3. If a vehicle is detected traveling at a speed above the posted limit, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
4. In no event will an Automated Traffic Citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the Vehicle Owner's driving record.

105.11.04 Exemptions from Civil Fine for Automated Traffic Citations.
The following shall not be considered violations for purposes of the Automated Traffic Enforcement System:

1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to the City of Waverly Code of Ordinances Chapter 105 or Chapter 321 of the Code of Iowa.
2. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided, however, the vehicle or its plates had not been recovered by the vehicle owner at the time of the alleged violation.
3. The vehicle in question was an authorized emergency vehicle.
4. The Waverly Police Officer inspecting the recorded image determines the vehicle in question entered the intersection to yield the right-of-way to an emergency vehicle or at the direction of a public safety official.
5. The Waverly Police Officer inspecting the recorded image determines the vehicle in question was lawfully participating in a funeral procession.

The foregoing list of exemptions from Section 105.11.04 shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction.

105.11.05 Review of Detected Violation by City Designee.
Upon notification of a detected violation, the detected violation shall be reviewed by a sworn Waverly Police Officer to determine whether a violation occurred.

105.11.06 Notice of Automated Traffic Citation; Fines.

1. Upon a review conducted pursuant to Section 105.11.05 confirming that a violation, as described in Section 105.11.03, occurred, a notice of an Automated Traffic Citation will be mailed to the vehicle owner for each such violation recorded by the Automated Traffic Enforcement System. The Automatic Traffic Enforcement Contractor shall mail the notice within thirty (30) days after receiving information about the vehicle owner. The notice shall include the name and address of the vehicle owner; the vehicle make, if available and readily discernable; the vehicle registration number; the violation alleged; the time, date, and location of the alleged violation; the applicable fine; information for payment of the assessed fine; information as to the manner and form in which the Automated Traffic Citation may be challenged; and that the basis of the notice is a photographic or video record generated by the Automatic Traffic Enforcement System.
2. Any violation of subsection 105.11.03 (1) and 105.11.03 (2) above shall be subject to a civil fine of one hundred dollars ($100).
3. Any violation of subsection 105.11.03 (3) above shall be subject to a civil fine as scheduled in the table below. The civil fine shall be doubled for any violation committed in a designated construction zone (as provided by the Code of Iowa).

Miles Per Hour Above Speed Limit	Civil Fine	Construction Zone Civil Fine
11 to 20	$75	$150
21 to 25	$100	$200
26 to 30	$150	$300
31 or more	$200	$400

105.11.07 Vehicle Owners Obligations Concerning an Automated Traffic Citation.
Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner shall either pay the fee associated with the citation or challenge the citation, in accordance with Section 105.11.08.

105.11.08 Contesting an Automated Traffic Citation.
A vehicle owner may contest an Automated Traffic Citation as follows:

1. Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner may either pay the fee associated with the citation or challenge the citation by submitting a written challenge to the citation. Any such written challenge or request must be on a form specified by and available from the City as indicated on the notice, and be sent to the City according to the instructions on that form. Upon receipt of a written challenge, a Waverly Police Officer shall determine whether the citation should be rescinded. Within thirty (30) days after the City receives such a challenge, the City

shall notify the Vehicle Owner whether the challenge to the Automated Traffic Citation is successful, in which case, the citation shall be rescinded. Otherwise, the citation will stand. Thereafter, the City may seek voluntary payment and/or file the citation as a municipal infraction against the vehicle owner, in accordance with Section 105.11.09.

2. Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation, the Vehicle Owner may request a municipal infraction be filed pursuant to Iowa Code §364.22 in lieu of the options of payment and/or challenge listed in 105.11.08(1) above or after an unsuccessful challenge. Such a request must be filed prior to the due date of the initial fine or date set by the member of the Waverly Police Department following the written challenge detailed above in Subsection 105.11.08(1). Such a request will result in a court order requiring the Vehicle Owner to file an answer and appearance with the Clerk of Court, as well as setting the matter for trial before a judge or magistrate. If the Court finds the Vehicle Owner guilty of the municipal infraction, mandated court costs will be added to the amount of the fine imposed by this ordinance.

105.11.09 Failure to Timely Pay or Challenge Automated Traffic Citation.
If the recipient of an Automated Traffic Citation does not either pay the fine by the due date on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the Vehicle Owner in accordance with Waverly Code of Ordinances Chapter 23 and Section 364.22 of the Code of Iowa, seeking judgement for the applicable civil fine provided in Subsections 105.11.06(2) and 105.11.06(3) plus applicable state mandated filing fee and court costs. If judgement is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgement together with interest as permitted by law. Collection of that judgement may include referral to the State of Iowa Income Offset Program administered by the Department of Administrative Services, State Accounting Enterprise. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the Vehicle Owner and/or referring the matter to a private service agent to conduct collection in accordance with all applicable law.

APPENDIX A

FRANCHISES

Ord. No.	Date	Description
83 (old Ord. the No. 127)	04/03/1895	An ordinance granting to Western Union Telegraph Company the right to place and maintain its poles and lines in the streets.
84 (old Ord. the No. 130)	04/16/1895	An ordinance granting to Waverly Telephone Company the right to erect and maintain its poles and wires on the streets and public ways of the city.
85 (old Ord. No. 151)	02/06/1900	An ordinance granting the right-of-way to the Chicago Great Western Railroad Company in, through and across certain streets in the city.
86 (old Ord. the No. 76)	06/08/1910	An ordinance authorizing construction, maintenance and operation of the Waterloo, Cedar Falls and Northern Railway Company in, upon and along the streets of the city.
166	10/20/1958	An ordinance granting to Iowa Public Service Company, its successors and assigns, authority to construct, own, maintain and operate a gas distribution system and plant in the city, for a period of twenty years, and to furnish gas to the city and its inhabitants for light, heat, industrial and other uses, and including the right to construct a high-pressure gas main into and trough the city.
438	09/05/1978	An ordinance granting unto Iowa Public Service Company, its successors and assigns, the right, franchise and authority to erect, maintain and operate gas plants, transmission, and distribution systems and to furnish gas service for public and private use within the City of Waverly, Iowa for a term of twenty-five (25) years, and to establish the conditions required and manner of use of streets and public grounds of the city in which said gas works may be located, and to provide for notice of damaged pipelines, and to confer the power of condemnation of private property, and providing for the repeal of Ordinance No. 166.
494	04/22/1982	An ordinance to grant Heritage Communications, Inc., a corporation organized and existing under the laws of the State of Iowa, its successors and assigns, the nonexclusive rights, privileges and authority to construct, operate, maintain, repair, replace, renew, reconstruct and remove a cable television system across public property in the city limits for a term of twenty-five (25) years.
851	08/22/2005	An ordinance granting to MidAmerican Energy Company, its successors and assigns, the non-exclusive right and franchise to acquire, construct, erect, maintain and operate in the City of Waverly, Iowa, a natural gas system and to furnish and sell natural gas to the City and its inhabitants for a period of 25 years.

APPENDIX B

STREET GRADES*

CURB ELEVATORS*

Station	First Ave. N.E., 35' b-b	N. Curb	S. Curb
12+91	W. line of 4th St.	108.30	107.30
11+50	141′ W. of W. line of 4th St.		106.30
11+32	End of curb S. side		106.80
11+21	170′ W. of W. line of 4th St.	106.32	
11+04	End of curb N. side	106.76	
16+25	E. line of 5th St.	127.00	127.50
17+50	125 E. of E. line of 5th St.	128.50*	129.05*
18+89	W. line of 6th St.	129.60	129.75
19+55	E. line of 6th St.	130.00	129.70
21+00	145' E. of W. line of 6th St.	130.85*	130.42*
22+19	W. line of 7th St.	134.65	134.00
22+85	E. line of 7th St.	137.20	136.70
25+49	W. line of 8th St.	154.62	153.88
3+74	363' E. of E. line of 8th St.		180.50
5+75	564' E. of E. line of 8th St.		188.50*
6+55	644' E. of E. line of 8th St.		193.81*

Station	First Ave. N.E., 35' b-b	N. Curb	S. Curb
0+25	At E. line of 12th St.	122.22	122.71
2+12.9	At W. line of 11th St.	121.45	121.95
2+78.9	At E. line of 11th St.	121.19*	121.68*
5+43.7	At W. Line of 10th St.	116.02*	116.19
6+09.7	At E. Line of 10th St.	114.90	114.82
8+73.5	At W. Line of 9th St.	110.10	110.00
9+24	At E. Line of 9th St.	109.55	109.72
0+08	50.5' W. of E. line of 8th St.		103.85
0+58.5	At E. line of 8th St.		103.10
3+18.1	At W. line of 7th St.		
3+84.1	At E. line of 7th St.		99.70
5+00	115.9' E. of E. line of 7th St.		98.47*
6+48	At W. line of 6th St.	97.22	97.40*
7+14	At E. line of 6th St.	96.39*	96.75*

Station	First Ave. NE, 35' b-b	N. Curb	S. Curb
7+62	48' E. of E. line of 6th St.		94.60
7+78	64' E. of E. line of 6th St.	94.28	
8+06	92' E. of E. line of 6th St.		94.55
8+22	108' E. of E. line of 6th St.	94.23	
8+40	141.2' W. of W. line of 5th St.		96.13*

8+60	121.2' W. of W. line of 5th St.	96.04*	
9+81.2	At W. line of 5th St.	97.20	97.30
10.47.2	At E. line of 5th St.	97.22	
6+93	E. line of 5th St.	97.22	
7+59	66' E. of E. line of 5th St.		97.10
9+57	W. line of 4th St.	98.40	
10+23	E. line of 4th St.	98.40	
12+87	W. line of 3rd St.	99.33	
13+53	E. line of 3rd St.	99.40	98.60
15+00	147' E. of E. line of 3rd St.		99.20*
16+17	W. line of 3rd St.	98.20	98.68
0+00	E. line of 2nd St.	98.00	
0+50	50' E. of E. line of 2nd St.	98.27*	
1+32	132' E. of E. line of 2nd St.		97.66
2+64	W. line of 1st St.	97.01	96.89

Station	**1st Ave. SE, 35' b-b**	**N. Curb**	**S. Curb**
13+58.5	4.5' W. of E. line of 4th St. SE		111.91
13+67.2	4.2' E. of E. line of 4th St. SE		
13+75	Point of 125' vertical curve	110.77	
14+00	Point of 100' vertical curve		111.20
14+93.32	End curb, point on 125' vertical curve	108.07	
14+93.32	Point on 100' vertical curve		108.56

Station	**1st Ave. SE, 31.5' b-b**	**N. Curb**	**S. Curb**
17+80	117.5' E. of E. line of 5th St. SE, point on 100' vertical curve	106.17	106.18
18+80	End of 100' vertical curve	110.82	110.81
19+50	Begin 100' vertical curve	117.04	116.58
19+58.2	Point on 100' vertical curve 4.5' W. of W. line of 6th St. SE	117.74	
20+20	Point on 100' vertical curve 8.5 ' W. of E. line of 6th St. SE	121.83	
20+50	End 100' vertical curve	122.99	122.54
22+86.4	W. line of 7th St. SE	130.13	
23+00	Begin 50' vertical curve		130.24
+50	End 50' vertical curve		132.05
23+62.4	E. line of 7th St. SE	132.88	
25+00	Point of vertical intersection	138.75	
25+75	Begin 50' vertical curve		141.50
25+90	Begin 50' vertical curve	142.47	
26+12.8	Point on 50' vertical curve 13.5' W. of W. line of 8th St. SE	142.94	
26+25	End of 50' vertical curve		141.76
26+72.8	End curb	140.67	
27+00	Begin 100' vertical curve		139.38
28+00	End 100' vertical curve		

	Begin 100' vertical curve		
	Point of vertical intersection		137.60
29+00	End of 100' vertical curve		140.65
29+50	Point of vertical intersection		143.50
30+09.5	End curb		
	Point of vertical intersection		
	268.5' W. of W. line of 9th St. SE		146.08
31+33.5	Begin curb 144.5' W. of W. line of 9th St. SE	150.01	
31+59	Begin curb 119' W. of W. line of 9th St. SE		151.39
31+75	Point of vertical intersection	151.06	
32+00	Begin 50' vertical curve		151.77
32+50	End 50' vertical curve		151.55
32+65.35	12.65' W. of W. line of 9th St.	151.49	151.30

Station	**1st Ave. SW, 35' b-b**	**N. Curb**	**S. Curb**
10+30.4	Begin curb E. line of 9th St.	117.3	
10+30.4	Begin curb on 100' vertical curve E. line of 9th St.		116.92
10+50	Begin 100' vertical curve	117.35	
10+80.4	End 100' vertical curve		115.94
11+50	End 100' vertical curve	112.56	
12+25	Begin 50' vertical curve	107.64	106.61
12+75	End 50' vertical curve	105.30	104.35
12+94.7	End curb W. line of 8th St.	104.75	103.83
14+92.6	Begin curb 131.9' E. of W. line of 7th St.	99.29	
15+43	Begin curb 14.7' W. of W. line of 7th St.		98.48
16+24.7	W. line of 7th St.	97.21	97.19
16+90.7	E. line of 7th St.	97.24	97.46
18+00	Point of vertical intersection	97.90	
18+50	Point of vertical intersection		97.88
18+93.5	End curb 60.9' W. of W. line of 6th St.	97.71	
19+54.4	End curb W. line of 6th St.		97.25

		Elevation
3+50.7	East line 5th St. SW	95.86
26+15	West line 4th St. SW	97.13
26.81	East line 4th St. SW	97.20
27+25	Point of vertical intersection	97.39
+		
	Point of vertical intersection	97.39
28.75	Point of vertical intersection	96.90
29+45.4	West line 3rd St. SW	96.85
30+11.4	East line 3rd St. SW	97.09
32+77.5	West line 2nd St. SW	98.15
33+43.5	East line 2nd St.. SW	98.29
34+75	Point of vertical intersection	99.10
36+00	Point of vertical intersection	99.21
35+25	Point of vertical intersection	99.11
36+09	West line 1st St. SW	98.65

Station	1st St. NE, 35' b-b	E. Curb	W. Curb
3+95	N. line of 1st Ave.	95.80	95.80
6+75	s. line of 2nd Ave.	95.38	95.38

Station	1st St. NW, 35' b-b	W. Curb	E. Curb
20+77	N. line of 6th Ave.		102.90
20+94	17' N. of N. line of 6th Ave.	103.60	
21+77	100' N. of N. line of 6th Ave.		102.00*
21+85	108' N. of N. line of 6th Ave.	102.05*	
22+44	112' S. of S. line of 7th Ave.	102.57	102.57
22+61	95' S. of S. line of 7th Ave.	102.55	102.54
23+31	25' S. of S. line of 7th Ave.	102.24	
23+56	S. line of 7th Ave.		101.90
24+00	22' S. of N. line of 7th Ave.	103.23	
24+22	N. line of 7th Ave.		102.85
24+49	27' N. of N. line of 7th Ave	105.12*	
24+64	42' N. of N. line of 7th Ave	105.30	
24+68	46' N. of N. line of 7th Ave.		105.07*
24+83	61' N. of N. line of 7th Ave		105.30
24+84.5	62.5' N. of N. line of 7th Ave.	104.45	
25+00	78' N. of N. line of 7th Ave.		104.67
26+90	268' N. of N. line of 7th Ave.	104.11*	104.51*
30+57	S. line of 9th Ave.	117.20	117.60

Station	1st St. SE, 35' b-b	W. Curb	E. Curb
6+03.8	N. line of 4th Ave. SE	95.06	95.01
8+75	Point of vertical intersection		96.10
9+67	S. line of 3rd Ave. SE		95.73
10+00	Centerline of 3rd Ave. SE		96.65
10+33	N. line of 3rd Ave. SE		96.22
10+75	Point of vertical intersection		96.56
10+75	Point of vertical intersection		97.36
13+15	S. line of 2nd Ave. SE	97.91	97.22
13+63.5	15.5' S. of N. line of 2nd Ave. SE	98.05	
3+81	N. line of 2nd Ave. SE	97.73	96.94
115+32	End curb 151' N. of N. line of 2nd Ave. SE		97.57
16+00	Point of vertical intersection	98.61	
16+65	S. line of 1st Ave. SE	98.35	

Station	1st St. SW, 35' b-b	W. Curb	E. Curb
10+36.32	N. line of 1st Ave. SW	94.12	
10+50	Point of vertical intersection	94.20	
12+01	Begin curb 163.3'		93.10
13+71.4	S. line of 7th Ave. SW		92.42
14+37.4	End curb N. line of 7th Ave. SW	92.65	

		Elevation
11+77	Point of vertical intersection	93.40
13+71.4	South line of 7th Ave. SE	92.54
14+37.4	North line of 7th Ave. SE	92.25
15+17	South edge bridge	91.90
15+27.7	North edge bridge	91.90
15+47.7	Point of vertical intersection	91.81
16+13	South line 7th Ave. SW	91.83
16+75	Begin 50' V.C.	92.12
16+79	North line 7th Ave. SW	92.14
17+00	Point of vertical intersection	92.30
17+25	End 50' V.C.	92.82
17+75	Begin 50' V.C.	93.85
18+00	Point of vertical intersection	94.37
18+25	End 50' V.C.	94.66
18+50	Point of vertical intersection	94.93
18+75	Begin 50' V.C.	95.09
19+25	End 50' V.C.	95.09
19+60	South line 6th Ave. SW	94.91
20+26	North line 6th Ave. SW	94.81
21+00	Point of vertical intersection	94.78
23+03.4	South line 5th Ave. SW	93.91
23+29	Point of vertical intersection	93.68
23+69.4	North line 5th Ave. SW	93.88
25+00	Point of vertical intersection	94.61
25+75	Point of vertical intersection	94.65
26+46.6	South line 4th Ave. SW	94.36
26+74	Point of vertical intersection	92.24
27+12.6	North line 4th Ave. SW	94.59
28+50	Begin 50' V.C.	95.53
28+75	Point of vertical intersection	95.65
29+00	End 50' V.C.	95.57
29+97	South line of 3rd Ave. SW	95.08
30+17	Point of vertical intersection	94.98
30+63	North line of 3rd Ave. SW	94.82
32+25	Point of vertical intersection	95.59
33+00	Point of vertical intersection	95.61
33+46.4	South line 2nd Ave. SW	95.37
33+62	Point of vertical intersection	95.30

Station	1st St. NE, 35' b-b	N. Curb	S. Curb
3+63	W. line of 1st St.	94.30	94.63
5+30	16 7' E. of W. line of 1st St.	96.40*	96.30*
6+27	W. line of 2nd St.		101.00
6+78	51' E. of W. line of 2nd St.	103.00*	
6+93	E. line of 2nd St.		103.00
7+34	End curb N. 41' E. of W. line of 2nd St.	108.00	

7+65	E. line of 3rd St.		108.00
10+23	194' E. of E. line of 3rd St.	112.00	113.20
12+17	W. line of 4th St.	116.50*	
12+91	E. line of 4th St.	117.24	116.20
13+57	E. line of 4th St. 118.00		117.33
15+57	200' E. of E. line of 4th St.	120.56*	
16+25	W. line of 5th St.	122.80	
16+93	E. line of 7th St.	123.60	
19+55	E. line of 6th St.	136.93	136.93
20+92	137' E. of E. line of 6th St.	149.15*	149.15*
22+19	W. line of 7th St.	160.97*	160.56
22+85	E. line of 7th St.		164.13
25+49	W. line of 8th St.		178.15
25+97	48' E. of W. line of 8th St.	180.25*	
26+25	E. line of 8th St.		180.95
27+77	152' E. of E. line of 8th St.	183.29	
28+63	238' E. of E. line of 8th St.		185.65

Station	**1st St. NW, 35' b-b**	**N. Curb**	**S. Curb**
0+00	At E. line of 8th St.	116.00	114.85
1+50	150' E. of E. line of 8th St.	118.04*	
2+00	64' W. of W. line of 7th St.		117.81
2+64	At W. line of 7th St.	116.22	116.70
2+66	At W. line of 6th St.	98.90*	99.10*
3+30	At E. line of 7th St.	115.00	114.57*
3+32	At E. line of 6th St.	97.60	97.80
4+00	68' E. of E. line of 6th St.	96.63*	96.55*
4+29	97' E. of E. line of 6th St.	95.11	95.01
6+93	E. line of 5th St.	97.48	97.24
9+57	W. line of 4th St.	96.10	96.40
10+23	E. line of 4th St.	96.79	96.79
12+87	W. line of 3rd St.	98.46	98.46
13+53	E. line of 3rd St.	98.40	98.40
15+50	67' W. of W. line of 2nd St.	99.09*	99.09*
16+17	W. line of 2nd St.	98.50	98.50
16+83	E. line of 2nd St.	98.50	98.70
19+47	W. line of 1st St.	95.50	95.11
0+33	E. line of 6th St. NW	97.52	97.78
1+00	100' E. of centerline 6th St. on 2nd Ave.	98.56	98.56
1+36.75	W. line of culvert	99.64	99.64
1+63.25	E. line of culvert	99.64	99.64
2+00	200' E. of centerline 6th St. on 2nd Ave.	98.56	98.57
2+93.6	W. line of 5th St. NW	97.56	97.76

		Elevation
32+44	East line of 2nd St. NW	98.52
3323+90	Point of vertical intersection	96.70

35+17.6	West line of 1st St. NW		95.31
Station	**1st St. NW, 35' b-b**	**N. Curb**	**S. Curb**
1+96.3	Begin curb 101.3' W. of W. line of 1st St. SE		98.22
3+97	W. line of 1st St. SE		97.81
3+63	E. line of 1st St. SE	97.00	97.11
4+68.7	End curb 105.7' E. of E. line of 1st St. SE		97.75
4+97.5	Point of vertical intersection	97.54	
6+00	Point of vertical intersection	97.95	
6+31.5	W. line of 2nd St. SE	97.73	
6+93.5	E. line of 2nd St. SE	97.68	
6+93.7	E. line of 2nd St. SE		97.77
8+00	Point of vertical intersection	98.42	
8+06.85	Point of vertical intersection		98.22
8+50	Point of vertical intersection	98.05	
9+64.4	W. line of 3rd St. SE	99.08	98.51
10+28	E. line of 3rd St. SE	100.57	100.47
11+00	Point of vertical intersection	103.91	
11+66.2	End curb	107.88	
12+25	Point of vertical intersection		111.93
12+32.1	Begin curb, begin 50' vertical curve	111.57	
12+79	Point on 50' vertical curve 11.5' W. of W. line of 4th St. SE	113.49	
12+79	11.5' W. of W. line of 4th St. SE	114.68	
Station	**2nd Ave. SW, 35' b-b**	**N. Curb**	**S. Curb**
0+00	E. line of 1st Home Addition		118.84
1+75	12' W. of E. line of 11th St.	117.63	
3+06	119' E. of E. line of 11th St.	121.47	
4+06	230' W. of W. line of 10th St.	123.20	123.20
4+75	161' W. of W. line of 10th St.	120.80*	120.80*
5+88	48' W. of W. line of 10th St.	113.20*	113.50*
6+36	W. line of 10th St.	111.51	
7+02	E. line of 10th St.		110.65
			Elevation
26+80	East line 4th St. SW		97.18
26+96	Point of vertical intersection		96.91
27+20	Point of vertical intersection		96.70
28+50	Point of vertical intersection		97.22
29+44.8	West line of 3rd St. SW		96.60
30+10.75	East line of 3rd St. SW		97.03
32+78	West line of 2nd St. SW		98.40
33+44	East line of 2nd St. SW		98.59
36+09.7	West line of 1st St. SW		95.57

Station	2nd Ave. SW, 40' b-b	N. Curb	S. Curb
3+66.5	Begin curb 270' W. of W. line on 10th St.		122.08
3+97	End curb 239.5' W. of W. line on 10th St.		122.55
4+12.8	Begin curb on 50' vertical curve 223.7' W of W. line on 10th St.	123.00	
4+17.9	Begin curb on 50' vertical curve 218.6' W. of W. line on 10th St.		123.02
4+54.8	End 50' vertical curve	122.44	
4+56.5	Begin 180' vertical curve	121.29	
4+60	End 50' vertical curve		121.78
4+75	Begin 200' vertical curve		120.53
6+36.5	End 180' vertical curve, end curve W. line 10th St.	111.48	
6+75	End 200' vertical curve		111.39
8+00	Begin 200' vertical curve		110.39
8+33	Begin curb 132' W. of W. line on 9th St.	109.25	
8+35	Begin 130' vertical curve	109.23	
9+65	End 130' vertical curve W. line on 9th St.	105.45	
10+00	End 200' vertical curve	105.00	
10+30.4	E. line of 9th St.	102.80	
10+35	Begin 100' vertical curve	103.44	
11+35	End 100' vertical curve	100.94	
11+75	Point of vertical intersection	100.63	
12+94.6	W. line of 8th St.	100.15	100.12
13+10.1	End curb 15.5' E. of W. line on 8th St.	Meet Existing	
13+45.1	Begin curb 15.5' W. of E. line on 8th St.	Meet Existing	
13+60.6	13+60.6 E. line of 8th St.	99.50	
16+24	W. line of 7th St.	96.00	
16+90	E. line of 7th St.	96.26	96.23
18+24	Point of vertical intersection	96.80	97.00
19+55.9	W. line of 6th St.	96.28	96.43
20+15.9	E. line of 6th St.		96.40
22+84.7	W. line of 5th St.		97.49
28+00.2	15.5' E. of W. line of 5th St.		97.44
23+35.2	15.5' W. of E. line of 5th St.	97.35	97.45
23+50.7	E. line of 5th St.	97.40	97.50
25+96.5	Point of vertical intersection	96.41	
26+14.2	End curb W. line of 4th St.	96.69	96.44

Station	2nd Ave. SW, 40' b-b	N. Curb	S. Curb
1+01	32' W. of E. line of 11th St.	116.91	
1+25	Begin Unsymmetrical 65' vertical curve 8' W. of E. line of 11th St.	117.03	
1+41	Begin curb 8' E. of E. line of 11th St.		

1+50	17' E. of E. line of 11th St.	117.44	**117.56**
1+90	End unsymmetrical 65' vertical curve 157' E. of E. line of 11th St.	118.82	118.92
2+40	Begin 60' vertical curve 107' E. of E. line of 11th St.	120.90	122.97
2+70	137' E. of E. line of 11th St.	121.94	**122.00**
3+00	End 60' vertical curve 167' E. of E. line of 11th St.		122.64
3+00	End 60' vertical curve W. side of railroad tracks	122.58	
3+05.12	Begin unsymmetrical 100' vertical curve E. side of railroad tracks	122.65	
3+08.46	W. side of railroad tracks		122.77
3+13.59	E. side of railroad tracks		122.84
3+15	Begin unsymmetrical 90' vertical curve 182' E. of E. line of 11th St.		122.85
3+40	207' E. of E. line of 11th St.	121.87**	
3+45	212' E. of e. line of 11th St.		122.15
4+05	End unsymmetrical 100' vertical curve, Begin 130' vertical curve 272' E. of E. line of 11th St.	117.70	
4+70	337' E. of E. line of 11th St.	113.62	**114.14**
5+35	End 130' vertical curve 402' E. of E. line of 11th St.	111.64	112.15
5+38.5	405.5' E. of E. line of 11th St.	111.59	112.10

Station	**2nd St. NE, 35' b-b**	**E. Curb**	**W. Curb**
2+16	150' S. of S. line of 1st Ave.		100.60
3+66	S. line of 1st Ave.		100.30
4+32	N. line of 1st Ave.	102.31	101.35
5+75	143' N. of N. line of 1st Ave.	104.37*	103.90
7+00	S. line of 2nd Ave.	102.40	101.80

Station	**2nd St. NW, 35' b-b**	**W. Curb**	**E. Curb**
0+00	N. line of Bremer Ave.	98.10	98.73
1+50	150' N. of N. line of Bremer Ave.		99.10*
1+75	175' N. of N. line of Bremer Ave.	98.80*	
2+80	S. line of 1st Ave.	98.40	
3+46	N. line of 1st Ave.	98.00	98.00
5+25	100' S. of s. line of 2nd Ave.	98.90*	98.70*
6+25	S. line of 2nd Ave.	98.50	98.30
6+91	N. line of 2nd Ave.	98.40	98.30
9+73	S. line of 3rd Ave.	99.50	99.40
10+39	N. line of 3rd Ave.	99.30	99.30
13+18	S. line of 4th Ave.	100.70	100.70
13+84	N. line of 4th Ave.	101.10	100.90
16+65	S. line of 5th Ave.	99.70	99.70
17+31	N. line of 5th Ave.	99.60	99.70

19+00	11' S. of S. line of 6th Ave.	100.30*	
19+50	61' S. of S. line of 6th Ave.		100.61*
20+11	S. line of 6th Ave.	99.80	100.31
20+77	N. line of 6th Ave.	101.27	101.36*
21+05	28' N. of N. line of 6th Ave.		104.64*
21+15	38' N. of N. line of 6th Ave.	104.73*	105.00
21+24	47' N. of N. line of 6th Ave.	105.00	
22+88	69' S. of S. line of 6th Ave.	103.50	
22+98	59' S. of S. line of 6th Ave.	103.42	
23+00	57' S. of S. line of 6th Ave.		103.50
23+10	47' S. of S. line of 6th Ave.		103.41*
23+57	S. line of 7th Ave.	101.65	101.98*
24+23	N. line of 7th Ave.	101.30	101.61*
27+03	S. line of 8th Ave.	105.10	
27+53	N. line of 8th Ave.	106.09	
27+75	22' N . of N. line of 8th Ave.		106.13*
28+81	128' N. of N. line of 8th Ave.	109.41*	
28+85	132' N. of N. line of 8th Ave.	109.56	
29+24	135' S. of S. line of 9th Ave.		110.86*
109+57	Centerline of 2nd St. NW		

Station	**2nd St. SE, 35' b-b**	**W. Curb**	**E. Curb**
3+00	Begin curb 239' S. of S. line of 4th Ave.	91.90	91.47
4+07	End curb 140' S. of S. line of 4th Ave.	93.33	
4+72.6	Begin curb	93.39	
5+39	S. line of 4th Ave.	94.69	94.72
12+22.7	Begin curb 132.1' S. of S. line of 7th Ave.	93.92	93.93
12+25	Begin 100' vertical curve		93.98
12+75	Point of vertical intersection	95.02	
13+35	End 100' vertical curve		95.35
13+55.1	S. line of 7th Ave.	95.94	95.43
14+21.1	N. line of 7th Ave.	96.27	95.70
14+75	Point of vertical intersection	96.49	95.92
15+32.5	End of curb 111.4' N. of N. line of 7th Ave.	95.60	
17+30	End of curb 318.9' N. of N. of 7th Ave.	95.74	

		Elevation
14+50	Begin curb	94.85
15+54.4	South line 7th Ave.	94.34
16+20	North line 7th Ave.	94.20
18+58	Point of vertical intersection	91.51
18+65	Point of vertical intersection	91.52
19+01.4	South line 6th Ave. SW	91.75
19+68	North line 6th Ave. SW	91.70
1+25	Point of vertical intersection	92.48
221+50	Point of vertical intersection	92.38

22+48.45	South line 5th Ave. SW		91.48
23+14.45	North line 5th Ave. SW		92.18
25+95.5	South line 4th Ave. SW		94.60
26+61.5	North line 4th Ave. SW		95.04
+30	Point of vertical intersection		95.82
	South line 3rd Ave. SW		96.90

Station	**3rd Ave. NE, 29' b-b**	**N. Curb**	**S. Curb**
6+76.5	E. line of 3rd St.	142.40	144.50
7+00	23.5' E. of E. line of 3rd St.	144.30	146.62
7+50	73.5' E. of E. line of 3rd St.	148.42	149.98
8+00	123.5' E. of E. line of 3rd St.	150.90	151.92
8+50	173.5' E. of E. line of 3rd St.	152.10	152.85
9+00	223.5' E. of E. line of 3rd St.	152.85	152.65
9+50	273.5' E. of E. line of 3rd St.	152.40	151.15
10+00	323.5' E. of E. line of 3rd St.	150.50	148.90
10+17.9	W. line of 4th St.		148.45
1050	32.1' E. of W. line of 4th St.	149.20	
11+00	82.1' E. of W. line of 4th St.	149.00	

Station	**3rd Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
12+64	At E. line of 8th St.	114.30	115.10
0+00	At W. line of 7th St.	111.10	111.90
0+01	At E. line of 7th St.	110.00	110.00
2+65.5	At W. line of 6th St.	98.89*	98.89*
3+31.5	At E. line of 6th St.	97.80	96.70*
4+00	68' E. of e. line of 6th St.	96.71*	96.70*
4+26.4	94.4' E. of E. line of 6th St.	95.47	95.44
4+66.4	134.9' E. of E. line of 6th St.	95.52	95.52
5+00	94.5' W. of W. line of 5th St.	97.23*	97.24*
5+50	44.5' W. of W. line of 5th St.	98.16*	98.23*
5+94.5	At W. line of 5th St.	98.00	98.00
6+60.5	At E. line of 5th St.	97.30	97.30
9+25	At W. line of 4th St.	95.70	95.60
10+23	E. line of 4th St.	95.70	96.00
12+87	W. line of 3rd St.	97.10	97.40
0+00	E. line of 3rd St.	97.00	98.07
0+78	78' E. of e. line of 3rd St.	98.14	
2+63.6	W. line of 2nd St.		99.41
3+30	E. line of 2nd St.	99.84	
5+94	W. line of 1st St.	97.06	

Station	**3rd Ave. NE, 35' b-b**	**N. Curb**	**S. Curb**
3+63	E. line of 1st St.	96.16	95.73
5+50	Point of vertical intersection	69.91	98.86
6+32.5	W. line of 2nd St.	96.58	96.71

6+95	E. line of 2nd St.	96.87	
6+99	Point of vertical intersection	96.90	
7+89.5	Point of vertical intersection	97.26	
8+20	Point of vertical intersection		97.21
9+65	W. line of 3rd St.	96.56	96.63
10+30	E. line of 3rd St.	97.55	97.14
11+50	Begin 64' vertical curve	99.41	98.50
12+14	End 64' vertical curve	97.76	96.84
2+86	End curb 9.5' W. of W. line of 4th St.	92.95	92.28

Station	**3rd Ave. SW, 35' b-b**	**N. Curb**	**S. Curb**
10+95.7	Begin curb 198.9' W. of W. line on 8th St.		102.40
12.00	Point of vertical intersection	99.65	
12+94.6	W. line of 8th St.		98.70
13+04.6	End curb 10' E. of W. line of 8th St.		98.50
14+87.3	Begin curb 135.9' W. of W. line on 7th St.	97.33	
16+23.2	Begin curb W. line of 7th St.		96.32
16+23.2	W. line of 7th St.	95.85	
16+38.7	End curb		96.32
16+73.7	Begin curb		96.80
16+98.2	E. line of 7th St.	95.05	95.80
18+25	Point of vertical intersection	96.20	96.34
19+53	W. line of 6th St.	95.70	95.83
20+03.5	Begin curb		95.58
20+19	E. line of 6th St.	95.48	95.58
22+00	Point of vertical intersection	96.20	
22+25	Point of vertical intersection		96.40
22+84	W. line of 5th St.	95.86	96.16
22+99.5	End curb	95.90	96.15
23+34.5	Begin curb	95.80	95.70
23+50	E. line of 5th St.	95.80	95.80
25+50	Point of vertical intersection	96.88	
26+00	Point of vertical intersection		96.90

	Elevation
26+79	97.03
29+00	95.97
29+10	95.97
29+11	95.97
29+20	95.99
30+11.2	95.83
31+45.5	96.71
32+12.5	96.99
32+78.25	97.13
33+44.5	96.96
34+75	95.90
36+09.7	95.12

Station	3rd St. NE, 35' b-b	E. Curb	W. Curb
1+34	85' N. of N. line of 1st Ave.	106.70	
1+50	101' N. of N. line of 1st Ave.	106.50*	
1+65	116' N. of N. line of 1st Ave.		106.70
1+81	132' N. of N. line of 1st Ave.		106.50*
2+23	106' S. of S. line of 2nd Ave.	106.75*	
2+40	89' S. of S. line of 2nd Ave.		106.95*
3+29	S. line of 2nd Ave.	111.60	111.00
3+95	N. line of 2nd Ave.	113.02	113.00
4+41	46' N. of N. line of 2nd Ave.	116.22*	114.71*
4+95	100' N. of N. line of 2nd Ave.		120.70
5+11	116' N. of N. line of 2nd Ave.	123.54	

Station	3rd St. NW, 35' b-b	W. Curb	E. Curb
0+00	N. line of Bremer Ave.	97.96	98.64
1+25	N. of N. line of Bremer Ave.		99.00*
2+80	S. line of 1st Ave.	99.30	98.30
3+46	N. line of 1st Ave.	99.00	99.00
4+50	104' N. of N. line of 1st Ave.		99.40*
5+10	117' S. of S. line of 2nd Ave.	99.82*	
6+27	S. line of 2nd Ave.	99.10	98.60
6+93	N. line of 2nd Ave	98.70	98.40
7+50	57' N. of N. line of 2nd Ave.		98.72*
9+72	S. line of 3rd Ave.	97.30	97.60
10+38	N. line of 3rd Ave.	96.80	96.90
13+19	S. line of 4th Ave.	98.00	98.10
13+84	N. line of 4th Ave.	97.70	97.60
16+65	S. line of 5th Ave.	99.10	99.00
17+31	N. line of 5th Ave.	98.60	98.60
20+10	S. line of 6th Ave.	100.00	99.70
20+76	N. line of 6th Ave.	99.90	99.90
21+36	60' N. of N. line of 6th Ave.	101.22*	101.22*
21+86	110' N. of N. line of 6th Ave.	103.95*	103.95*
21+94	118' N. of N. line of 6th Ave.	104.12	104.12
22+28	128' S. of S. line of 7th Ave.	104.12	104.12
22+36	120' S. of S. line of 7th Ave.	103.96*	103.96*
22+75	89' S. of S. line of 7th Ave.	102.03*	102.03*
23+56	S. line of 7th Ave.	100.90	100.90
24+22	N. line of 7th Ave.	101.50*	101.40*
25+24	102' N. of N. line of 7th Ave.	105.65*	105.14*
27+02	S. line of 8th Ave.	115.00	114.80
27+52	N. line of 8th Ave.	117.00	116.50
29+25	135' S. of S. line of 9th Ave.	123.09*	121.78*
30+60	S. line of 9th Ave.	124.70	123.83

			Elevation
106+27	Centerline of 3rd St. NW		
106+63.2			98.30
107+00			98.44
107+25			98.54
107+50			98.64
107+75			98.74
108+00			98.64
108+25			98.54
108+50			98.44
108+75			98.34
109+00			98.24
109+25			98.14

Station	3rd St. SE, 35' b-b	W.Curb	E.Curb
3+50	Begin curb N. end of bridge	93.42	93.41
4+89	Point of vertical intersection	92.86	92.84
5+00	End curb 37.2' S. of S. line of 4th Ave.		92.90
5+37.2	S. line of 4th Ave.	93.10	
12+12	Begin curb 129.8' S. of S. line of 7th Ave.	91.47	91.25
13+40.8	S. line of 7th Ave.		92.05
13+42	S. line of 7th Ave.	91.94	
14+13.8	N. line of 7th Ave.		92.50
15+70.9	End curb 157.1' N. of N. line of 7th Ave.		93.66

Station	3rd St. SW, 35' b-b	Elevation
16+20.2	N. line 7th Ave.	95.80
16+50	Point of vertical intersection	95.80
19+01.8	S. line 6th Ave.	94.78
19+67.8	N. line 6th Ave.	94.75
20+75	Point of vertical intersection	95.29
21+00	Point of vertical intersection	95.24
21+34	Point of vertical intersection	95.08
21+75	Point of vertical intersection	95.24
22+25	Point of vertical intersection	95.24
22+48.25	S. line of 5th Ave.	95.15
23+14.25	N. line of 5th Ave.	95.23
23+50	Point of vertical intersection	95.38
24+25	Point of vertical intersection	95.37
25+97.7	S. line 5th Ave.	94.70
26+63.7	N. line 5th Ave.	94.85
27+50	Point of vertical intersection	94.86
29+00	Point of vertical intersection	95.46
29+44	S. line 3rd Ave.	95.42
30+10	N. line 3rd Ave.	95.59
32+25	Begin 50' V.C.	96.82
32+75	End 50' V.C.	96.92

32+92.65	S. line 2nd Ave.		96.89
33+58.65	N. line 2nd Ave.		96.88
35+00	Point of vertical intersection		97.45
36+41.9	S. line 1st Ave.		96.88

Station	**4th Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
0+33	At E. line of 12th St.	108.45	108.95
1+90.2	At W. line of 11th St.	109.13	109.63
0+01	At E. line of 8th St.	107.63	108.00
2+65.5	At W. line of 7th St.	100.49*	100.99
3+31.5	At E. line of 7th St.	99.65	100.00
5+00	95.5' W. of W. line of 6th St.		98.03*
5+95.5	1' E. of W. line of 6th St.		97.48
6+60.5	At E. line of 6th St.		97.15
7+20	59.5' E. of E. line of 6th St.		97.06*
7+30	69.5' E. of E. line of 6th St.	96.71*	
7+46	85.5' E. of E. line of 6th St.	96.13	
7+50	89.5' E. of E. line of 6th St.		96.13
+90.5	134 .5' W. of W. line of 5th St.	96.18	
7+96.5	128.5' W. of W. line of 5th St.		96.03
8+30	95.0' W. of W. line of 5th St.	97.80*	97.71*
9+25	At W. line of 5th St.	98.94	99.02
9+91	At E. line of 5th St.	98.80	98.80
12+53.7	At W. line of 5th St.	97.40	97.40
13+19.7	At E. line of 4th St.	97.70	97.70
14+50	130.3' E of E line of 4th St.	98.22	98.09
15+86	At W. line of 3rd St.	97.67	97.67
13+53	E. line of 3rd St.	97.90	97.90
16+17	W. line of 2nd St.	100.65	100.65
16+83	E. line of 2nd St.	100.52	100.52
19+47	W. line of 2nd St.	98.55	98.55
20+13	E. line of 1st S.		98.20
21+17	104' E. of E. line of 1st St.	97.52	
21+90	177' E. of E. line of 1st St.	96.17	
22+22	209' E. of E. line of 1st St.		95.21
20+13	E. line of 1st St.		98.20
22+22	209' E. of E. line of 1st St.		95.21

Station	**4th Ave. SE, 35' b-b**	**N. Curb**	**S. Curb**
3+6	E. line of 1st St.	95.20	95.09
4+75	Point of vertical intersection	96.15	95.54
5+00	Point of vertical intersection	96.25	
5+25	Point of vertical intersection	96.15	
6+34	W. line of 2nd St.	95.10	94.90
6+49.5	15.5' E. of W. line of 2nd St.	95.00	

6+84.5	15.5' W. of E. line of 2nd St.	94.85	
7+00	E. line of 2nd St.	95.00	94.73
8+75	Point of vertical intersection		94.03
9+66	W. line of 3rd St.	93.92	93.30
9+81.5	End curb	93.99	

Station	**4th Ave. SW, 35' b-b**	**Elevation**
13+60	E. line of 8th St.	98.10
14+50	Point of vertical intersection	96.92
14+93.3	Point of vertical intersection	96.42
16+24	W. line of 7th St.	95.10
16+90.2	W. line of 7th St.	95.35
18+75	Point of vertical intersection	96.15
19+00	Point of vertical intersection	96.14
19+54.2	W. line of 6th St.	95.88
20+20	E. line of 6th St.	95.67
21+50	Point of vertical intersection	96.25
22+84.77	W. line of 5th St.	95.65
23+50.77	E. line of 5th St.	95.80
24+75	Point of vertical intersection	96.59
25+00	Point of vertical intersection	96.72
25+25	Point of vertical intersection	96.61
26+13	W. line of 4th St.	96.10
26+79	E. line of 4th St.	96.52
27+00	Point of vertical intersection	96.49
29+45	W. line of 3rd St.	95.22
30+11	E. line of 4th St.	94.81
30+50	Point of vertical intersection	94.97
30+75	Point of vertical intersection	94.97
31+54	Point of vertical intersection	94.65
31+56.5	Point of vertical intersection	94.65
32+25	Point of vertical intersection	95.05
32+79.4	W. line of 2nd St.	94.84
33.45.4	E. line of 2nd St.	94.92
35+00	Point of vertical intersection	95.53
32+25	Point of vertical intersection	95.50
36+10.5	W. line of 1st St.	95.05

Station	**4th St. SE, 35' b-b**	**E. Curb**	**W. Curb**
4+25	N. line of 1st Ave.	110.39	109.50
7+05	S. line of 2nd Ave.	117.00	116.20
7+75.5	N. line of 2nd Ave.		117.75
8+80	95.5' N. of N. line of 2nd Ave.		118.30*
11+30	455' N. of N. line of 2nd Ave.		147.20*

Station	4th St. NW, 35' b-b	W. Curb	E. Curb
0+00	At N. line of 3rd Ave.	95.60	95.60
2+82.2	At S. line of 4th Ave.	97.26	97.56
3+48.2	At N. line of 4th Ave.	97.59	97.81
6+29.5	At S. line of 5th Ave.	99.00	99.00
6+95.5	At N. line of 5th Ave.	99.33	99.33
8+50	54.5' N. of N. line of 5th Ave.	100.00*	100.00*
9+75.8	At S. line of 6th Ave. 99	55*	100.00*
10+41.8	At N. line of 6th Ave.	100.10*	100.09*
3+46	N. line of 1st Ave.	98.30	98.30
6+26	S. line of 2nd Ave.	96.60	96.60
6+92	N. line of 2nd Ave.	96.20	96.80
7+50	58' N. of N. line of 2nd Ave.	96.55*	
9+73	S. line of 3rd Ave.	95.60	95.60
24+22	N. line of 7th Ave.	101.34	101.34
25+70	132' S. of S. line of 8th Ave.	105.18*	105.18*
26+94	8' S. of S. line of 8th Ave.	113.27	113.27
27+60	8' N. of N. line of 8th Ave.		117.98
28+34	82' N. of N. line of 8th Ave.	123.79*	123.79*
30+05	253' N. of N. line of 8th Ave.	134.40*	134.40*
30+82	8' S. of S. line of 9th Ave.		136.22
31+48	8' N. of N. line of 9th Ave.		137.28
31+64	24' N. of N. line of 9th Ave.	137.50	137.50
31+58	N. line Dean's Addition	138.08	138.09
32+00	42' N. of N. line Dean's Addition	138.24*	138.27*
33+08	150' N. of N. line Dean's Addition		136.50
33+90.93	232.93' N. of N. line Dean's Addition	134.00	
0+00	At S. line of 2nd Ave.	119.20	119.04
2+50	250' N. of S. line of 2nd Ave.	116.70*	116.70*
4+00	400' N. of S. line of 2nd Ave.	114.00	114.00
12+00	116.2' S. of S. line of 4th Ave.		111.20*
13+16.2	At S. line of 4th Ave. 110.		109.76*
13+82.2	At N. line of 4th Ave.	108.98	
16+58	At S. line of 5th Ave.	104.80	104.30

Station	12th St. NW, 35' b-b	W. Curb	E. Curb
0+00	At N. line of 1st Ave.	121.64	121.64
4+00	400' N. of N. line of 1st Ave.	116.50*	116.50*
6+96			
0+00	3' S. of s. line of Trailer Court Dr.	110.00	111.50*
7+56			
0+63	3' N. of N. line of Trailer Court Dr.	110.84	
1+80	37.05' S. of S. line of Wilson St.		110.10*
2+08.8	8.25' N. of N. line of Wilson St.	109.68	
2+50	16.55' S. of N. line of Wilson St.		109.75*
2+74.8	8.25' N. of N. line of Wilson St.	109.32	

3+10.2	At S. line of 4th Ave.		109.09
3+76.2	At N. line of 4th Ave.		108.36
4+50	73.8 N. of N. line of 4th Ave.	108.06*	
5+30.8	At S. line of 5th Ave. (W)	107.17	106.80
5+96.8	At N. line of 5th Ave. (W)	106.44	
6+51.8	2.5' S. of S. line of 5th Ave.		105.58
7+22.8	2.5' N. of N. line of 5th Ave.	104.59	104.59
0+00	N. line of Bremer Ave.	124.40	124.40
3+07	S. line of 1st Ave.		122.80
3+73	7' N. of N. line of 1st Ave.	122.00*	
17+30	N. line of 5th Ave.	104.54*	104.40
18+10	80' N. of N. line of 5th Ave.	105.10	105.10

Station	**12th St. NW, - 42' – 0" B-B**	**W. Curb**	**E. Curb**
5 + 40	376' N. of centerline of 5th Ave. (E)	104.13	104.13
5 + 50	386' N. of centerline of 5th Ave. (E)	104.18	104.18
5 + 75	411' N. of centerline of 5th Ave. (E)	104.25	104.25
6 + 00	436' N. of centerline of 5th Ave. (E)	104.64	104.61
6 + 20	456' N. of centerline of 5th Ave. (E)	105.03	104.96
6 + 25	461' N. of centerline of 5th Ave. (E)	105.14	105.06

Station	**4th St. SE, 35' b-b**	**W. Curb**	**E. Curb**
13 + 15	Begin curb S. line of 2nd Ave.		115.10
13 + 81	N. line of 2nd Ave.	113.90	
15 + 75	Point of vertical intersection		113.59
16 + 66.2	S. line of 1st Ave.		112.32
16 + 67	S. line of 1st Ave.	112.00	
16 + 72	End curb	111.67	
17 + 28	Begin curb 5' S. of N. line of 1st Ave.	110.99	

Station	**4th St. SE, 42' b-b**	**W. Curb**	**E. Curb**
7 + 78.6	Point of 46' vertical curve N. line of Crestwood Ave.		93.11
8 + 01.6	End 46' vertical curve		92.40
8 + 50	Begin 100' vertical curve		9.07
9 + 18.5	Begin curb 146.4' N. of N. line of Crestwood Ave., point of vertical intersection	89.59	
9 + 50	End of 100' vertical curve		89.32
9 + 57.4	Point of vertical intersection	89.46	89.29
9 + 75	Begin 100' vertical curve	89.54	
9 + 75	Begin 50' vertical curve		89.39
10 + 25	End 50' vertical curve		89.92
10 + 75	End 100' vertical curve	90.99	
10 + 75	End curb 299.9' N. of N. line of Crestwood Ave.		90.72
11 + 00	Begin 100' vertical curve	91.59	

12 + 00	End 100' vertical curve	92.99	
13 + 40.3	S. line of 7th Ave.	93.55	
13 + 93	39.2' E. of W. line of 4th St. and 7th Ave.	93.65	
15 + 08.5	End curb	94.38	

Station	**4th St. SE, 42.5' b-b**	**W.Curb**	**E.Curb**
17 + 32.2	N. line of 1st Ave.		110.55
18 + 50	Point vertical intersection	107.95	
18 + 66.8	Point of vertical intersection		107.84
18 + 87	End curb 154.8' N. of N. line of 1st Ave.	107.34	107.26

Station	**4th St. NW, 35' – 0" b-b**	**W. Curb**	**E. Curb**
306 + 02	17.1' N. of 8th Ave. P.C. of radius west	917.69	
306 + 27	42.10' N. of 8th Ave. P.T. of radius west	915.73	
306 + 46.5	61.6' N. of 8th Ave. Start of new curb east		914.94
306 + 50	65.10' N. of 8th Ave.		
306 + 75	90.10' N. of 8th Ave. V.P.C. west	914.00	913.67
307 + 25	140.10' N. of 8th Ave. V.P.C. east	912.47	912.02
307 + 50	165.10' N. of 8th Ave. V.P.C. west	911.90	911.46
308 + 00	215.10' N. of 8th Ave. V.P.T. east	911.17	910.90
308.25	240.10' N. of 8th Ave. V.P.T. west	911.10	910.80
309.84	399.10' N. of 8th Ave. Curb intake west	910.90	
309 + 87.1	102.20' N. of 8th Ave. Curb intake east		910.15
310 + 00	115.10' N. of 8th Ave. V.P.I. east	910.60	910.32
310 + 12.9	128.0' N. of 8th Ave. V.P.T. east		910.38
311 + 81	596.1' N. of 8th Ave. P.C. of radius east		909.50
311 + 81	599.1' N. of 8th Ave. P.C. of radius west	909.45	
311 + 92.8	607.9' N. of 8th Ave. Curb intake east		909.00
311 + 93.9	609.0' N. of 8th Ave. Curb intake west	909.25	
312 + 30.1	17.8' N. of 7th Ave. Curb intake west	909.08	
312 + 32.5	20.2' N. of 7th Ave. Curb intake east		909.09
312 + 39.5	27.2' N. of 7th Ave. P.T. of radius west	909.12	
312 + 41.1	28.8' N. of 7th Ave. P.T. of radius east	909.12	
315 + 30.0	317.7' N. of 7th Ave. P.C. of radius east		910.28
315 + 78.0	16.7' N. of 6th Ave. Curb intake west	909.59	
315 + 81.7	20.41' N. of 6th Ave. Curb intake east		909.70
318 + 72.6	311.3' N. of 6th Ave. P.C. of radius west	910.77	
318 + 74.7	313.4' N. of 6th Ave. P.C. of radius east		910.87
319 + 26.9	20.4' N. of 5th Ave. Curb intake east		910.41
319 + 27.1	20.6' N. of 5th Ave. Curb intake west	910.22	
319 + 41.3	34.8' N. of 5th Ave. P.T. of radius east		910.54
319 + 42	35.5' N. of 5th Ave. P.T. of radius west		910.54
320 + 77.6	171.1' N. of 5th Ave. V.P.I. west	911.08	
320 + 81.9	175.4' N. of 5th Ave.		
322 + 18.6'	N. of 5th Ave. P.C. of radius west	910.52	

322 + 25.1	318.6' N. of 5th Ave. P.C. of radius east		910.53
322 + 30.4	323.9' N. of 5th Ave. Curb intake west	910.55	
322 + 37.0	330.5' N. of 5th Ave. Curb intake east		910.41
322 + 71/5	14.8" N. of 4th Ave. Curb intake west	910.6	
322 + 75.4	18.7' N. of 4th Ave. Curb intake east		910.25
322 + 82.7	26.0' N. of 4th Ave. P.T. of radius west	910.63	
322 + 83.7	27.0' N.of 4th Ave. P.T. of radius east		910.40
325 + 68.5	311.80' N. of 4th Ave. P.C. of radius east		911.53
325 + 77.3	320.6' N. of 4th Ave. P.C. of radius west	911.81	
325 + 81.9	325.2' N. of 4th Ave. east middle radius		911.59
326 + 10.9	8.4' N. of 3rd Ave. P.C. of radius east		911.65
326 + 27.5	25.0' N. of 3rd Ave. Curb intake east		910.80
326 + 29.7	27.2' N. of 3rd Ave. Curb intake west	911.37	
326 + 34.9	323.4' N. of 3rd Ave. P.T. of radius east		910.83
326 + 42.2	39.7 N. of 3rd Ave. P.T. of radius west	911.55	
329 + 11.8	309.3' N. of 3rd Ave. P.C. of radius east		911.94
329 + 20.5	318.0' N. of 3rd Ave. P.C. of radius west	911.54	
329 + 28.4	325.9' N. of 3rd Ave. V.P.I. east		912.00
329 + 44.9	342.4' N. of 3rd Ave. Curb intake west	911.19	911.85
329 + 65.3	15.1' N. of 2nd Ave. P.C. of radius west	911.83	
329 + 83.0	32.8' N. of 2nd Ave. P.T. of radius east		911.72
329 + 95.1	44.9' of 2nd Ave. P.T. of radius west	911.67	
331 + 10.4	160.2' N. of 2nd Ave. Curb intake west and east	911.21	911.21
332 + 66.3	316.1' N. of 2nd Ave. P.C. radius east		911.83
332 + 66.7	316.5' N. of 2nd Ave. P.C. radius west	911.84	
332 + 92.8	342.6' N. of 2nd Ave. P.T. of radius east		911.94
333 + 21.2	20.5' N. of 1st Ave.		
333 + 24.1	23.4' N. of 1st Ave. Curb intake west	911.49	
333 + 32.1	31.4' N. of 1st Ave. P.T. of radius east		911.49
333 + 36.3	35.6' N. of 1st Ave. P.T. of radius west	911.58	
354 + 50	149.3' N. of 1st Ave. Curb intake west and east	912.38	912.20
334 + 75	174.3' N. of 1st Ave. V.P.I.	912.64	912.43
335 + 00	199.3' N. of 1st Ave. V.P.T.	913.00	912.80
336 + 01.5	300.8' N. of 1st Ave. P.C. of radius west	914.80	
336 + 16	315.3' N. of 1st Ave. P.C. end of curb east		914.75

Station	**5th Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
-116.5	8' W. of W. line of Lyman St.	110.62	
-58.5	At E. line of Lyman St.	110.30	110.80
0 + 00	478.4' W. of W. Line of 13th St.	110.00	110.50
1 + 00	378.4' W. of W. line of 13th St.	109.37*	109.87*
3 + 00	178.4' W. of W. line of 13th St.	106.12	106.60
4 + 80	1.6' E. of W. line of 13th St.		105.22*
44.4	At E. line of 13th St.	105.20	
7 + 93.6	At W. line of 12th St.	106.60	107.03

10 + 00	Centerline of Lyman St.	109.99	
10 +33	W. line of Lyman St.		110.50
11 +50	150' W. centerline Lyman St. on 5th Ave.	109.86*	110.58*
13 + 25	325' W. centerline Lyman St. on 5th Ave.	116.56*	116.58*
13 + 53	E. side of railroad tracks		116.82
13 + 75	W. side of railroad tracks		116.82
13 + 80	E. side of railroad tracks	116.82	
14 + 03	W. side of railroad tracks	116.82	
14 + 25	425' W. centerline Lyman St. on 5th Ave.	116.70*	116.68*
16 + 00	600' W. centerline Lyman St. on 5th Ave.	113.84*	133.82*
19 + 02	902' W. centerline Lyman St. on 5th Ave.		115.69
19 + 24.2	924.2' W. centerline Lyman St. on 5th Ave.	116.26	

		Elevation
0 + 66	East line county road	126.28
1 + 50	End 100' V.C.	126.10
3 + 25	Begin 50' V.C.	124.26
3 + 75	End 50' V.C.	123.52
6 + 50	Point vertical intersection	118.25
8 + 45.46	East side of Knief's Addition	116.05

Station	**5th Ave. NW, 40' – 0" b-b**	**N. Curb**	**S. Curb**
0 + 33	At E. line of 12th St.	105.00*	105.30
1 + 82.5	At W. line of 11th St.		104.56
2 + 48.5	At E. line of 11th St.	104.10*	104.56*
4 + 00	151.5' E. of E. line of 11th St.	105.50*	105.50*
6 + 00	236' W. of W. line of 9th St.	107.60*	107.56*
7 + 00	136' W. of W. line of 9th St.	107.80*	108.30*
8 + 00	36' W. of W. line of 9th St.	107.00*	107.50*
8 + 36	At W. line of 9th St.		107.00
9 + 02	At E. line of 9th St.		106.40
11 + 71.9	At W. line of 8th St.	102.00*	102.30
12 + 37.9	At E. line of 8th St.		101.73
13 + 50	112.1' of E. of E. line of 8th St.	100.26*	100.76*
15 + 02.2	At W. line of 7th St.	98.26	98.83
15 + 68.2	At E. line of 7th St.	98.08	98.50
16 + 50	81.8' E. of E. line of 7th St.		98.83
17 + 00	131.8' E. of E. line of 7th St.	98.72*	
18 + 32.4	At W. line of 6th St.	97.80	97.40
18 + 98.4	At E. line of 6th St.	96.25	96.70
19 + 13	14.6' E. of E. line of 6th St.		96.04
19 + 47.5	49.1' E. of E. line of 6th St.	96.10	
19 + 63	64.6' E. of E. line of 6th St.		96.15
19 + 80	81.6' E. of E. line of 6th St.	97.03*	
20 + 00	101.6' E. of E. line of 6th St.		97.20*
21 + 60	At W. line of 5th St.	98.50	98.50
22 + 26	At E. line of 5th St.	98.10	98.00

24 + 90.7	At W. line of 4th St.	99.20	99.30
0 + 33	At E. line of 4th St.	99.70	99.70
2 + 97	At W. of 3rd St.	98.80	98.80
3 + 63	At E. line of 3rd St.	99.00	98.90
6 + 27	At W. line of 2nd St.	99.90	99.80
6 + 93	At E. line of 2nd St.	99.90	99.90
9 + 57	At W. line of 1st St.	100.80	100.80
3 + 63	E. line of 6th St.	98.48	98.47
3 + 88	25' E. of E. line of 6th St.	98.72	
4 + 00	37' E. of E. line of 6th St.		98.82
4 + 16	53' E. of E. line of 6th St.	98.97	
4 + 28	65' E. of E. line of 6th St.		99.07
4 + 75	112' E. of e. line of 6th St.	99.33*	99.31*
6 + 27	W. line of 5th St.	98.50	98.50
20 + 13	E. line of 1st St.	100.65	100.65
21 + 90	177' E. of E. line of 1st St.	101.46	101.46

Station	**5th Ave. NW, -42' – 0" B-B**	**N. Curb***	**S. Curb***
0 + 55	Begin 50' vertical curve 55' W. of centerline of railroad tracks	114.97	114.96
0 + 80	120' W. of centerline of railroad tracks	115.51**	115.49**
1 + 05	End 50' vertical curve, begin unsymmetrical 70' vertical curve 95' W. of centerline of railroad tracks		
1 + 05	End 50' vertical curve, begin 90' vertical curve 95' W. of centerline of railroad tracks		116.11
1 + 50	50' W. of centerline of railroad tracks	117.24**	117.06**
1 + 75	End unsymmetrical 70' vertical curve	117.56	
1 + 77.86	W. side of railroad tracks	117.57	
1 + 84.20	E. side of railroad tracks	117.57	
1 + 95	End 90' vertical curve 5' W. of center line of railroad tracks		117.53
2 + 05	Begin 90' vertical curve 5' E. of centerline of railroad tracks	117.47	
2 + 15.8	W. side of railroad tracks		117.63
2 + 22.14	E. side of railroad tracks		117.63
2 + 25	Begin unsymmetrical vertical curve 25' E. of centerline of railroad tracks		117.62
2 + 50	50' E. of centerline of railroad tracks	116.80**	117.14**
2 + 95	End 90' vertical curve 95' E. of centerline of railroad tracks	115.23	
2 + 95	End unsymmetrical 70' vertical curve, begin 50' vertical curve 95' E. of centerline of railroad tracks		115.31
3 + 20	120' E. of centerline of railroad tracks.	114.19**	114.19**
3 + 45	End 50' vertical curve 145' E. of centerline of railroad tracks	113.27	113.25

Station	5th Ave. SW, 35' b-b	Elevation
13 + 60.6	E. line of 8th St.	99.08
13 + 75	Begin 50' V.C.	98.91
11 + 25	End 50' V.C.	98.06
14 + 75	Begin 50' V.C.	97.02
15 + 25	End 50' V.C.; begin 50' V.C.	96.11
15 + 75	End 50' V.C.	95.50
16 + 23.1	W. line 7th St.	95.04
16 + 89.1	E. line 7th St.	94.75
17 + 50	Point of vertical intersection	94.76
19 + 25	Point of vertical intersection	95.63
19 + 54.8	W. line of 6th St.	95.61
20 + 20.8	E. line of 6th St.	96.02
21 + 25	Point of vertical intersection	96.52
21 + 50	Point of vertical intersection	96.50
22 + 85.4	W. edge of 5th St.	95.56
23 + 06	Point of vertical intersection	95.60
23 + 51.4	E. line of 5th St.	95.78
24 + 75	Begin 50' V.C.; point of vertical intersection	96.60
25 + 00	Point of vertical intersection	96.70
25 + 25	End 50' V.C.; point of vertical intersection	96.57
26 + 14	W. line of 4th St.	95.85
26 + 80	E. line of 4th St.	96.00
27 + 25	Point of vertical intersection	96.00
29 + 46.5	W. line of 3rd St.	95.00
33 + 47	E. line of 2nd St.	92.01
35 + 46	Point of vertical intersection	93.37
36 + 12	W. line of 1st St.	93.80

Station	5th St. NE, 35' b-b	E. Curb	W. Curb
4 + 26	N. line of 1st Ave.	127.00	127.16
5 + 50	124' N. of N. line of 1st Ave.	130.00*	
5 + 58	132' N. of N. line of 1st Ave.		129.40*
6 + 56	50' S. of S. line of 2nd Ave.	124.35*	
6 + 81	25' S. of S. line of 2nd Ave.		123.45*
7 + 06	S. line of 2nd Ave.	123.32	123.10

Station	5th St. NW, 35' – 0" b-b	W. Curb	E. Curb
0 + 00	At N. line of Bremer Ave.	99.21	99.04
2 + 80	At S. line of 1st Ave.	97.81	97.10
3 + 46	At N. line of 1st Ave.	97.40	97.24
6 + 26	At S. line of 2nd Ave.	98.30	98.14
6 + 92,	0 + 00 At N. line of 2nd Ave.	97.80	97.30
1 + 40	140' N. of N. line of 2nd Ave.	98.38*	97.88*
2 + 82	At S. line of 3rd Ave.	97.79	97.50

3 + 48	At N. line of 3rd Ave.	97.84	97.50
6 + 28.8	At S. line of 4th Ave.	99.24	98.86
6 + 94.8	At N. line of 4th Ave.	99.14	99.14
9 + 74.5	At S. line of 5th Ave.	97.80	97.90
10 + 40.5	At N. line of 5th Ave.	97.20	98.50
13 + 20.9	At S. line of 6th Ave.	100.70	100.70
13 + 86.9	At N. line of 6th Ave.	101.30	100.80
20 + 76	N. line of 6th Ave.	101.30	100.80
21 + 55	79' N. of N. line of 6th Ave.	102.59*	102.55*
21 + 74	98' N. of N. line of 6th Ave.	102.70	102.70
22 + 83	73' S. of S. line of 7th Ave.	103.67	103.67
22 + 93	63' S. of S. line of 7th Ave.	103.59*	103.60*
23 + 56	S. line of 7th Ave.	101.50	101.83

Station	**5th St. SE, 35' b-b**	**W. Curb**	**E. Curb**
14 + 55	Begin curb 152.7 S. of S. line of Bremer Ave.	108.00	108.50
16 + 07.7	S. line of Bremer Ave.	110.88	112.29
16 + 23.2	End curb	110.58	113.93

Station	**5th St. SW, 35' b-b**	**Elevation**
0 + 91.1	N. line 5th Ave.	95.35
2 + 25	Point of vertical intersection	95.92
3 + 00	Point of vertical intersection	95.91
3 + 66.05	S. line 4th Ave.	95.50
4 + 34.55	N. line 4th Ave.	95.75
6 + 00	Point of vertical intersection	96.48
6 + 75	Point of vertical intersection	96.39
7 + 29	S. line 3rd Ave.	96.08
7 + 95	N. line 3rd Ave.	95.99
10 + 72.5	S. line 2nd Ave.	97.56
11 + 72.5	S. line 2nd Ave.	97.56
11 + 43.5	N. line 2nd Ave.	97.31
12 + 72	Point of vertical intersection	96.83
13 + 50	End curb	96.50
14 + 24	S. line 1st Ave.	95.75
14 + 89	N. line 1st Ave.	96.14
16 + 44	Point of vertical intersection	97.46
17 + 74.4	S. line of Bremer Ave.	99.10

Station	**6th Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
0 + 33	E. line of 7th St.	99.00	98.50
1 + 50	117' E. of E. line of 7th St.	99.50*	99.00*
2 + 97	W. line of 6th St.		98.00
3 + 00	3' E. of W. line of 6th St.	98.40*	
3 + 63	E. line of 6th St.		98.80
93 + 34	93' W. of W. line of 5th St.	100.40*	100.40*
6 + 27	W. line of 5th St.	101.00	100.90

6 + 93	E. line of 4th St.	100.80	100.44
9 + 57.8	W. line of 3rd St.	99.88	99.60
13 + 53	E. line of 3rd St.	99.70	99.20
16 + 17	W. line of 2nd St.	100.90	100.40
16 + 83	E. line of 2nd St.	101.00	100.60
17 + 89	106' E. of E. line of 2nd St.	104.68*	
17 + 99	116' E. of E. line of 2nd St.	104.85	
18 + 13	130' E. of E. line of 2nd - St.		104.76*
18 + 61	178' E. of E. line of 2nd St.		105.15
20 + 11	E. line of 1st St.	102.60	103.40
20 + 62	51' E. of E. line of 1st St.		102.67*
22 + 56	245' E. of E. line of 1st St.	101.47*	
22 + 62	251' E. of E. line of 1st St.		101.60*
24 + 10	399' E. of E. line of 1st St.	102.50	102.50
2 + 64	At W. line of 5th St.	101.00	100.90
3 + 30	At E. line of 5th St.	100.20	100.00
5 + 00	170' E. of E. line of 5th St.	100.95*	100.55*
5 + 94	At W. line of 4th St.	100.48	100.08
6 + 60	At E. line of 4th St.	100.80	100.44

Station	**6th Ave. SW, 35' b-b**	**Elevation**
26 + 78.4	E. line 4th St.	95.34
26 + 11	Point of vertical intersection	96.20
28 + 25	Point of vertical intersection	96.22
28 + 75	Point of vertical intersection	96.32
29 + 00	Point of vertical intersection	95.88
29 + 45.4	W. line 3rd St.	94.95
30 + 11.4	E. line 3rd St.	94.45
30 + 16.4	Point of vertical intersection	94.41
32 + 83.5	W. line 2nd St.	91.79
33 + 46.5	E. line 2nd St.	91.47
35 + 00	Point of vertical intersection	93.97
36 + 10.5	W. line 1st St.	94.47

Station	**6th Ave. NE, 35' b-b**	**E. Curb**	**W. Curb**
0 + 45.5	N. line of Bremer Ave.	128.19	127.54
1 + 75	129.5' N. of N. line of Bremer Ave.		129.20*
3 + 28	S. line of 1st Ave.	129.70	129.60
3 + 94	N. line of 1st Ave.	129.80	129.81
5 + 43	149' N. of N. line of 1st Ave.	130.90	130.92

Station	**6th St. NW, 35' b-b**	**W. Curb**	**E. Curb**
0 + 00	At N. line of Bremer Ave.	99.10	99.15
1 + 40	140' N. of N. line of Bremer Ave.	96.57*	96.39*
2 + 82.6	At S. line of 1st Ave.	97.02	97.12
3 + 46.6	At N. line of 1st Ave.	97.10	96.70
6 + 28.9	At S. line of 2nd Ave.	98.60	98.10

6 + 94.9	At N. line of 2nd Ave.	98.30	97.70
8 + 00	105.1' N. of N. line of 2nd Ave.	98.80*	98.20*
9 + 05	70.8' S. of S. line of 3rd Ave.	98.20*	97.70*
9 + 75.8	At S. line of 3rd Ave.	98.56	98.06
10 + 41.8	At N. line of 3rd Ave.	98.90	98.40
13 + 21.4	At S. line of 4th Ave.	97.20	97.00
13 + 87.4	At N. line of 4th Ave.	97.10	97.35
15 + 50	162.6' N. of N. line of 4th Ave.		98.08*
16 + 00	212.6' N. of N. line of 4th Ave.	98.01*	
16 + 66.7	At S. line of 5th Ave.	97.70	97.63
17 + 32.7	At N. line of 5th Ave.	97.60	97.80
16 + 50	N. line of 5th Ave.	97.60	98.10
17 + 89	139' N. of N. line of 5th Ave. 95		75*
18 + 15	165' N. of N. line of 5th Ave. 95	75*	98.65

Station	**6th St. SE, 35' b-b**	**W. Curb**	**E. Curb**
13 + 33	165' N. of N. line of 1st Ave.	120.10	122.11
13 + 90	Begin 150' vertical curve	125.35	
14 + 25	Begin 100' vertical curve		128.25
14 + 90	End 150' vertical curve	128.85	
15 + 25	End 100' vertical curve		130.35
16 + 07	S. line of Bremer Ave.	126.79	128.34

Station	**6th St. SW, 35' b-b**	**W. Curb**	**E. Curb**
6 + 85	N. line of 3rd Ave.	95.55	95.55
9 + 50	Point of vertical intersection	96.60	96.60
9 + 67	S. line of 2nd Ave.	96.49	96.49
10 + 33	N. line of 2nd Ave.	43.5'	96.35
11 + 75	Point of vertical intersection	97.75	
13 + 13.5	S. line of 1st Ave.	97.15	

Station	**6th St. SW, 35' b-b**	**Elevation**
0 + 81.3	N. line 5th Ave.	95.55
2 + 00	Point of vertical intersection	96.04
3 + 00	Point of vertical intersection	96.03
3 + 57.15	S. line of 4th Ave.	95.70
4 + 23.15	N. line of 4th Ave.	95.48
6 + 00	Point of vertical intersection	96.28
7 + 19	S. line of 3rd Ave.	95.78

Station	**6th St. NW, 35' b-b**	**N. Curb**	**S. Curb**
6 + 27	W. line of 5th St.	101.25	
6 + 93	E. line of 5th St.	100.92*	101.33
8 + 65	108' W. of W. line of 4th St.	101.80*	102.20*
9 + 57	16' W. of W. line of 4th St.		101.60*
9 + 65	8' W. of W. line o f4th St.	101.25	

10 + 38	15' E. of E. line of 4th St.	101.00	
10 + 65	42' E. of E. line of 4th St.		100.90*
11 + 65	122' W. of W. line of 3rd St.	101.90*	101.40*
12 + 87	W. line of 3rd St.	101.30	100.80
13 + 53	E. line of 3rd St.	101.10	100.90
15 + 25	92' W. of W. line of 2nd St.	102.00*	101.60*
16 + 17	W. line of 2nd St.	101.64	101.25
0 + 36	W. line of 5th St.		101.38
0 + 68	32' W. of W. line of 5th St.	101.59	
1 + 50	114' W. of W. line of 5th St.	103.20*	103.20*
2 + 98	E. line of 6th St.	103.91	
3 + 64	W. line of 6th St.	104.22	
7 + 73.8	409.8' W. of W. line of 6th St.	106.18	
8 + 26	462' W. of W. line of 6th St.		106.69*
8 + 43.50	479.5' W. of W. line of 6th St.		106.55

Station	**7th Ave. SE, 35' b-b**	**N. Curb**	**S. Curb**
35 + 94.3	Begin curb	92.15	
36 + 09.8	E. line of 1st St.	91.61	92.10
36 + 50	Begin 100' vertical curve	90.85	
37 + 00	Begin 100' vertical curve		90.56
37 + 50	End 100' vertical curve	89.70	
38 + 00	End 100' vertical curve		89.50
38 + 35	Point of vertical intersection	89.36	89.36
38 + 50	Begin 100' vertical curve	89.44	89.44
39 + 50	End 100' vertical curve	90.77	90.63
40 + 71.5	End curve 461.7' E. of E. line of 1st St.		92.88
40 + 75	Point of vertical intersection	93.44	
41 + 00	Begin 150' vertical curve	93.94	
42 + 50	End 150' vertical curve	96.18	
43 + 00.7	Begin curb, point of vertical intersection		96.20
43 + 25	Begin 200' vertical curve	96.69	
43 + 25	Point of vertical intersection		96.42
44 + 00	Begin 100' vertical curve		96.89
44 + 97	End curb, end vertical curve 68' W. of W. line of 2nd St.		96.78
45 +25	End 200' vertical curve	96.84	
45 + 63	W. line of 2nd St.	96.30	

Station	**7th Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
49 + 59.8	E. line of 3rd St.	92.28	92.14
49 + 62.8	E. line of 3rd St.	92.28	
49 + 64.6	Point of vertical intersection	92.26	
51 + 48.6	W. line of 4th St.		93.50
51 + 75	26.4' E. of W. line of 4th St.	93.50	
51 + 82	33.4' E. of W. line of 4th St.	95.56	

Station	7th Ave. SW, 35' b-b		Elevation
26 + 71	E. line of 4th St.		94.45
27 + 45	Point of vertical intersection		94.79
29 + 46.2	W. line of 3rd St.		95.58
30 + 00	Point of vertical intersection		95.80
30 + 12.2-	E. line of 3rd St.		95.82
32 + 79.35	W. line of 2nd St.		94.45

Station	7th St. NE, 35' b-b	E. Curb	W. Curb
0 + 45.5	N. line of Bremer Ave.		134.00
1 + 77	131.6' N. of N. line of Bremer Ave.	135.00	
1 + 94	148.5' N. of N. line of Bremer Ave.		134.60*
3 + 25	S. line of 1st Ave.	136.00	134.10
3 + 91	N. line of 1st Ave.	137.20	135.65
4 + 00	9' N. of N. line of 1st Ave.	137.90*	136.15*
4 + 25	34' N. of N. line of 1st Ave.	139.70	138.25
6 + 72	S. line of 2nd Ave.	161.90	160.55

Station	7th St. NW, 35' b-b	W. Curb	E. Curb
0 + 00	At N. line of Bremer Ave.	99.41	99.44
0 + 42.5	42.5' N. of N. line of Bremer Ave.	99.19*	
0 + 92.5	92.5' N. of N. line of Bremer Ave.		98.98*
2 + 81.7	At S. line of 1st Ave.	100.38	99.93
0 + 33	At N. line of 2nd Ave.	116.00	115.26
3 + 13	At S. line of 3rd Ave.	110.40	110.50

Station	7th St. NW, 35' b-b	W. Curb	E. Curb
0 + 00	At N. line of Bremer Ave.	99.41	99.44
0 + 42.5	42.5' N. of N. line of Bremer Ave.	99.19*	
0 + 92.5	92.5' N. of N. line of Bremer Ave.		98.98*
2 + 81.7	At S. line of 1st Ave.	100.38	99.93
0 + 33	At N. line of 2nd Ave.	116.00	115.26
3 + 13	At S. line of 3rd Ave.	110.40	110.50
3 + 79,			
0 + 00	At N. line of 3rd Ave.	110.30	109.80
2 + 00	82.4' S. of S. line of 4th Ave.	102.54*	102.04*
2 + 82.4	At S. line of 4th Ave.	100.79*	100.29*
3 + 48.4	At N. line of 4th Ave.	100.22	99.72
5 + 00	125' S. of S. line of 5th Ave.	98.90*	
5 + 50	75' S. of S. line of 5th Ave.	98.24*	98.04*
6 + 25	AT S. line of 5th Ave.	98.62	98.32
17 + 30	N. line of 5th Ave.	98.44	98.27
19 + 39	71' S. of S. line of 6th Ave.	99.26*	99.08*
19 + 81	29' S. of S. line of 6th Ave.		98.40*
20 + 00	10' S. of S. line of 6th Ave.	98.50*	
20 + 10	S. line of 6th Ave.		98.40*

20 + 28	18’ N. of S. line of 6th Ave.	98.50*	
20 + 76	N. line of 6th Ave.	98.38	99.00

Station	**7th St. SE, 35’ b-b**	**W. Curb**	**E. Curb**
13 + 33	16.5’ N. of N. line of 1st Ave.	131.38	132.67
14 + 30	Begin 50’ vertical curve	136.64	
14 + 50	Begin 50’ vertical curve		137.00
14 + 80	End 50’ vertical curve	137.41	
15 + 00	End 50’ vertical curve		137.31
16 + 08.5	S. line of Bremer Ave.	134.40	134.30

Station	**7th St. SW, 35’ b-b**	**Elevation**
0 + 91.1	N. line o f5th Ave.	94.37
2 + 75	Point of vertical intersection	95.17
3 + 65.3	S. line of 4th Ave.	95.15
4 + 31.3	N. line of 4th Ave.	95.10
6 + 50	Point of vertical intersection	96.46
6 + 75	Point of vertical intersection	96.46
7 + 29.5	S. line of 3rd Ave.	96.17

Station	**7th St. SW, 35’ b-b**	**W. Curb**	**E. Curb**
6 + 85.4	N. line on 3rd Ave.	95.76	95.00
9 + 67	S. line on 2nd Ave.	96.89	96.13
10 + 33	N. line on 2nd Ave.	96.59	96.31
10 + 99	End curb		96.77
11 + 64.4	Begin curb		96.99
12 + 50	Point of vertical intersection	97.45	
13 + 13	S. line of 1st Ave.	97.20	97.58
13 + 79	N. line of 1st Ave.	97.10	97.24
15 + 00	Point of vertical intersection	98.00	
15 + 50	Point of vertical intersection		97.92
16 + 60.3	S. line of Bremer Ave.	99.29	99.30
16 + 75.8	End curb	99.60	99.45

Station	**8th Ave. NW, 35’ b-b**	**N. Curb**	**S. Curb**
10 + 31	8’ E. of E. line of 4th St.	116.44	115.44
11 + 75	92’ W. of W. line of 3rd St.	118.50*	117.50*
12 + 87	W. line of 3rd St.	116.50	115.50
13 + 53	E. line of 3rd St.	115.10	114.60
15 + 50	67’ W. of W. line of 2nd St.	107.51*	107.01*
16 + 17	W. line of 2nd St.	105.75	105.25

Station	8th Ave. SW, 35' b-b	N. Curb	S. Curb
25 + 65.5	Begin curb	101.33	105.82
25 + 81	Point on vertical curve E. line of 4th St.	101.68	104.41
26 + 17.1	End of vertical curve	101.67	
26 + 50	End of vertical curve		101.90
29 + 00	Begin 100' vertical curve	96.77	96.90
30 + 00	End 100' vertical curve 419.0' E. of E. line on 4th St.	95.70	95.70
35 + 00	Point of vertical intersection	93.70	93.70
35 + 43.8	W. line of 1st St.	93.97	
35 + 49.1	53' E. of W. line of 1st St.		94.17
35 + 64.6	End curb		95.04
36 + 11.6	Begin curb E. line of 1st St.		94.09
38 + 50	Point of vertical curb		92.85
40 + 04.6	End curb, 393' E. of E. line on 1st St.		91.03

Station	8th St. NE, (from Bremer Ave. to 2nd Ave. NE), 35' b-b	Elevation East	Elevation West
0 + 40.5	North line Bremer Ave.	141.30	140.85
9 + 44.5	N. line Bremer Ave.		140.85
1 + 80	135.5' N. of N. line Bremer Ave.	143.35*	142.80*
3 + 34.5	S. line of 1st Ave.	153.70	153.20
4 + 00	N. line of 1st Ave.	157.15	156.35
5 + 00	100' N. of N. line 1st Ave.	166.00	
6 + 50	250' N. of N. line 1st Ave.		175.35*
6 + 83	S. line of 2nd Ave.	179.91	178.46

Station	8th St. NW, 35' b-b	W. Curb	E. Curb
0 + 00	At N. line of Bremer Ave.	110.50	110.00
1 + 50	150' N. of N. line of Bremer Ave.	108.68*	108.80*
2 + 81.4	At S. line of 1st Ave.	104.32	103.82
0 + 33	At N. line of 3rd Ave.		114.49
3 + 13	At S. line of 4th Ave.	109.10	108.10
3 + 79	At N. line of 4th Ave.	108.50	107.00
5 + 07	128' N. of N. line of 4th Ave.	106.05	105.60

Station	8th St. SE, 30' b-b	W. Curb	E. Curb
13 + 33	16.5' N. of N. line of 1st Ave.	142.31	141.66
13 + 50	Begin 50' vertical curve	142.23	
13 + 65	Point of vertical intersection		141.68
14 + 00	End 50' vertical curve	141.83	
14 + 25	Begin 50' vertical curve	141.54	
14 + 75	End 50' vertical curve	141.15	
16 + 14	S. line of Bremer Ave.	140.59	140.86

Station	8th Ave. NW, 35' b-b	N. Curb	S. Curb
10 + 31	8' e. of E. line of 4th St.	136.12	136.12
11 + 00	77' E. of E. line of 4th St.	134.58*	134.58*
12 + 50	44' W. of W. line of 3rd St.	127.50*	127.50*
12 + 94	W. line of 3rd St.	125.70*	125.70*
13 + 53	E. line of 3rd St.		122.50
13 + 87	34' E. of E. line of 3rd St.		121.35*
14 + 89	136' E. of E. line of 3rd St.	119.00*	118.50*
16 + 17	W. line of 2nd St.		116.90
16 + 33	16' E. of W. line of 2nd St.	118.31*	
18 + 15	132' E. of E. line of 2nd St.		117.66*
19 + 47	W. line of 1st St.	119.61*	118.70*
22 + 43.3	230.3' E. of E. line of 1st St.	116.78	
22 + 50	237' E. of E. line of 1st St.		116.00

Station	8th Ave. SE, 35' b-b	W. Curb	E. Curb
0 + 00	At N. line of Bremer Ave.	120.10	120.12
2 + 50	29.8' S. of S. line of 1st Ave.	110.92*	110.40*
2 + 79.8	At S. line of 1st Ave.	110.45	
3 + 45.8	At N. line of 1st Ave.	110.02	
4 + 00	54.2' N. of N. line of 1st Ave.	109.96*	109.48*
6 + 25.5	At S. line of 2nd Ave.	112.48	112.31

Station	9th St. SE, 30.5' b-b	W. Curb	E. Curb
12 + 68.75	Begin curb	151.10	
12 + 88	Begin curb 102.9' S. of S. line of Bronson Ave.		150.13
13 + 15.25	N. of N. line of 1st Ave. (14.75')	151.55	
13 + 25	Begin 50' vertical curve		151.16
13 + 75	End 50' vertical curve		151.78
13 + 81.05	9.85' S. of S. line of Bronson Ave.		151.81
13 + 88	End curb 71.5' N. of N. line of 1st Ave.	151.93	
14 + 91.2	Begin curb 131.6' S. of S. line of Bremer Ave.	152.47	
14 + 94	Begin curb 128.8' S. of S. line of Bremer Ave.		152.57
15 + 00	Begin 100' vertical curve		152.60
16 + 00	End 100' vertical curve	153.00	153.59
16 + 22.8	S. line of Bremer Ave.	153.53	153.94

Station	9th St. SW, 35' b-b	W. Curb	E. Curb
10 + 33	N. line of 2nd Ave., point on 160' vertical curve	104.38	
10 + 33	N. line of 2nd Ave.		103.16
10 + 75	Begin 50' vertical curve		102.99
11 + 25	End 50' vertical curve		103.26
11 + 50	Begin 50' vertical curve		103.63
11 + 80	End 160' vertical curve	106.59	

12 + 00	End 50' vertical curve		106.31
12 + 30	Begin 50' vertical curve	109.98	
12 + 80	End 50' vertical curve	113.82	
12 + 85	Begin 100' vertical curve		114.15
13 + 05	Begin 50' vertical curve	115.97	
13 + 11	Point on 100' vertical curve S. line on 1st Ave.		116.05
13 + 55	End 50' vertical curve 10.9' N. centerline on 1st Ave.	118.82	
13 + 77	N. line on 1st Ave.		118.65
14 + 50	Begin 50' vertical curve		120.83
14 + 70	Begin 50' vertical curve	122.04	
15 + 00	End 50' vertical curve		121.50
15 + 20	End curb 143' N. of N. line on 1st Ave.		121.40
15 + 22.2	End curb, end 50' vertical curve, 145.2' N. of N. line on 1st Ave.	122.40	122.40

Station	**10th Ave. NW, 35' b-b**	**N. Curb**	**S. Curb**
15 + 29.50	E. line Green Acres Addition	138.88	138.90
15 + 91.60	62.10' E. of the E. line of Green Acres Addition		137.00
16 + 76.10	146.60' E. of the E. line of Green Acres Addition	134.00	
10 + 00	Center of 6th St.	143.68	
10 + 33	E. side of 6th St.		143.60
12 + 66	266' E. of center of 6th St.	142.34	142.32

Station	**10th St. NW, 35' b-b**	**W. Curb**	**E. Curb**
0 + 00	At N. line of Bremer Ave.	124.40	124.14
2 + 79.2	At. S. line of 1st Ave.	116.06*	115.57*
3 + 45.2	At N. line of 1st Ave.	115.47*	114.97*
6 + 26	At S. line of 2nd Ave.	116.50	116.00

Station	**11th St. NW, 35' b-b**	**W. Curb**	**E. Curb**
0 + 00	At N. line of Bremer Ave.	124.10	124.45
2 + 78.7	At S. line of 1st Ave.	121.86	121.80
6 + 26.4, 6 + 50	486' N. of centerline of 5th Ave. (E)	105.68	105.54
6 + 75	511' N. of centerline of 5th Ave. (E)	106.12	105.94
6 + 90	End curb 526' N. of centerline of 5th Ave. (E)	106.32	106.13
7 + 15	Begin curb 12.35' N. of centerline of the C.NWT. Co.	106.32	106.15
7 + 90	87 + 35' N. of centerline of the C.NWT. Co.	106.94**	106.88**
9 + 15	212 + 35' N. of centerline of the C.NWT. Co.	111.52	111.52
10 + 12.5	Begin 175' vertical curve 309.85' N. of centerline of the C.NWT. Co.	116.21	116.21
11 + 00	397.35' N. of centerline of the C.NWT. Co.	119.94**	119.94**

11 + 87.5	End 175' vertical curve, begin 175' vertical curve 484.85' N. of centerline of C.NWT. Co.	122.70	122.70
12 + 75	572.35' N. of centerline of C.NWT. Co.	124.31**	124.31**
13 + 62.5	End 175' vertical curve 659.85' N. of centerline of C.NWT. Co.	124.53	124.53
14 + 65	Begin 250' vertical curve 762.35' N. of C.NWT. Co.	124.02	124.02
15 + 90	887.35' N. of centerline of C.NWT. Co.	124.87**	124.87**
29 + 05	End 400' vertical curve 2202.35' N. of centerline of C.NWT. Co.	142.81	142.81
30 + 81.1	44.54' S. of centerline of Park Ave.	139.74	
31 + 50	24.36' N. of centerline of Park Ave.		138.53
31 + 70.1	44.46' N. of centerline of Park Ave.	138.18	
32 + 45.9	56.04' S. of centerline of Ridgewood Blvd.		136.93
33 + 00	Begin 200' vertical curve 1.94' S. of Ridgewood Blvd.	135.91	
33 + 57.9	55.96' N. of centerline of Ridgewood Blvd		134.78
34 + 00	98.06' N. of centerline of Ridgewood Blvd	133.37**	133.52**
35 + 00	End 200' vertical curve 198.06' N. of centerline of Ridgewood Blvd.	129.24	129.34
35 + 10	208.06' N. of centerline of Ridgewood Blvd.	128.75	128.84
17 + 15	End 250' vertical curve 1012.35' N. of centerline of C.NWT. Co.	128.69	128.69
18 + 25	Begin 200' vertical curve 1122.35' N. of centerline		
19 + 25	1222.35' N. of centerline of C. NWT. Co.	136.77**	136.77**
20 + 25	End 200' vertical curve 1322.35' N. of centerline of C.NWT. Co.	138.53	138.53
22 + 60	Begin 130' vertical curve 1557.35' N. of centerline of C.NWT. Co.	140.74	140.74
23 + 25	1622.35' N. of centerline of C.NWT. Co.	141.41**	141.41**
23 + 90	End 130' vertical curve 1687.35' N. of centerline of C.NWT. Co.	142.20	142.20
25 + 05	Begin 400' vertical curve 1802.35' N. of centerline of C.NWT. Co.	143.70	143.70
27 + 05	2002.35' N. of centerline of C.NWT. Co.	144.78**	144.78**

Station	**13th St. NW, 35' b-b**	**E. Curb**	**W. Curb**
0 + 32.8	End radius N. side 5th Ave.	105.13	105.08
2 + 50	250' N. centerline 5th Ave.	104.26	104.22
3 + 29	S. edge concrete slab	103.34	103.25

Station	**Bremer Ave. NE, 49' b-b**	**N. Curb**	**S. Curb**
40 + 52.5	614.5' W. of W. line of 9th St.		140.80
40 + 76	591° W. of W. line of 9th St.	141.26	
43 + 33	334' W. of W. line of 9th St.	148.75*	

43 + 79	288’ W. of W. line of 9th St.		149.46*
47 + 69	66’ E. of E. line of 9th St.		154.98
48 + 00	97’ E. of E. line of 9th St.		155.32
48 + 50	147’ E. of E. line of 9th St.		155.58
49 + 00	197’ E. of E. line of 9th St.	157.18	155.56
49 + 50	247’ E. of E. line of 9th St.	157.20	155.14
50 + 00	297’ E. of E. line of 9th St.	156.66	154.36
50 + 50	347’ E. of E. line of 9th St.	155.69	152.93
51 + 00	397’ E. of E. line of 9th St.	154.30	151.28
6 + 96, 0 + 00	3’ S. of S. line of Trailer Ct. Dr. 110.00	110.00	111.50
7 + 56, 0 + 63	3’ N. of N. line of Trailer Ct. Dr.	110.84	
1 + 80	37.05’ S. of S. line of Wilson St.		110.10*
2 + 08.8	8.25’ S. of S. line of Wilson St.	109.68	
2 + 50	16.55’ S. of N. line of Wilson St.		109.75*
2 + 74.8	8.25’ N. of N. line of Wilson St.	109.32	
3 + 10.2	At S. line of 4th Ave.		109.09
3 + 76.2	At N. line of 4th Ave.		108.36
4 + 50	73.8’ N. of N. line of 4th Ave.	108.06*	
5 + 30.8	At S. line of 5thAve. (W)	107.17	106.80
5 + 96.8	At N. line of 5th Ave. (W)	106.44	
6 + 51.8	2.5’ S. of S. line of 5th Ave.		105.58
7 + 22.8	2.5’ N. of N. line of 5th Ave.	104.59	104.59
0 + 00	N. line of Bremer Ave.	124.40	124.40
3 + 07	S. line of 1st Ave.		122.80
3 + 73	7’ N. of N. line of 1st Ave.	122.00*	
17 + 30	N. line of 5th Ave.	104.54*	104.40*
18 + 10	80’ N. of N. line of 5th Ave.	105.10*	105.10*
17 + 30	N. line of 5th Ave.	104.54	104.40
18 + 10	80’ N. of N. line of 5th Ave.	105.10	105.10

Station	**13th St. NW, 35’ b-b**	**E. Curb**	**W. Curb**
0 + 32.8	End radius N. side 5th Ave.	105.13	105.08
2 + 50	250’ N. centerline 5th Ave. on 13th St.	104.26	104.22
3 + 29	S. edge concrete slab	103.34	103.25

Station	**Bremer Ave. NE, 49’ b-b**	**N. Curb**	**S. Curb**
40 +52.5	614.5’ W. of W. line of 9th St.		140.80
40 + 76	591’ W. of W. line of 9th St.	141.26	
43 + 33	334’ W. of W. line of 9th St.	148.75*	
43 + 79	288’ W. of W. line of 9th St.		149.46*
47 + 69	66’ E. of E. line of 9th St.		154.98
48 + 00	97’ E. of E. line of 9th St.		155.32
48 + 50	147’ E. of E. line of 9th St.		155.58
49 + 00	197’ E. of E. line of 9th St.	157.18	155.56
49 + 50	247’ E. of E. line of 9th St.	157.20	155.14

50 + 00	297' E. of E. line of 9th St.	156.66	154.36
50 + 50	347' E. of E. line of 9th St.	155.69	152.93
Station	**Bronson Ave., 32.9' b-b**	**N. Curb**	**S. Curb**
32 + 34.75	12.75 E. of E. line of 9th St. SE		151.93
32 + 77.4	Begin curb 55.4' E. of E. line of 9th St. SE	152.65	
33 + 43	Begin 50' vertical curve	152.95	
33 + 50	Begin 50' vertical curve		152.39
33 + 93	End 50' vertical curve	152.73	
34 + 00	End 50' vertical curve		152.27
34 + 37	End curb 215' E. of E. line of 9th St. SE	152.01	
35 + 00	Begin 50' vertical curve		151.38
35 + 50	Enc 50' vertical curve		150.49
35 + 75.5	End curb 353' E. of E. line of 9th St. SE		149.81
Station	**Cedar River Drive**	**N. Curb**	**S. Curb**
0 + 17.5	15.5' N. of S. line of 7th Ave. NW		106.55
0 + 33	66' N. of S. line of 7th Ave. NW		106.76*
0 + 52.5	19.5 N. of N. line of 7th Ave. NW	107.75	
1 + 50	117' N. of N. line of 7th Ave. NW	113.11**	113.11**
4 + 25	392' N. of N. line of 7th Ave. NW	135.70**	135.70**
6 + 22	592' N. of N. line of 7th Ave. NW	137.14	
Station	**Crestwood Ave. 42' b-b**	**N. Curb**	**S. Curb**
51 + 79.6	Centerline of 4th St. SE begin curb		94.94
51 + 16.1	E. line of 4th St. SE begin curb	93.38	
52 + 25	Begin 50' vertical curve	93.34	
52 + 75	End 50' vertical curve	92.94	
53 + 25	End curb	92.34	93.01
Station	**Lyman St. NW, 35' b-b**	**W. Curb**	**E. Curb**
0 + 08	8' N. of N. line of Wilson St.	119.23	119.23
0 + 75	75' N. of N. line of Wilson St.	118.03*	118.03*
2 + 25	72' S. of S. line of 5th Ave.	111.62*	111.62*
2 + 97	At S. line of 5th Ave.	110.80	110.80
Station	**Wilson St. NW 35' b-b**	**N. Curb**	**S. Curb**
0 + 00	At E. line of Lyman St.	119.00	119.00
2 + 20	629.6' W. of W. line of 12th St.	115.54*	115.54*
4 + 60	389.6 W. of W. line of 12th St.	107.33*	107.33*
6 + 00	249.5' W. of W. line of 12th St.	106.50*	106.50*
7 + 50	99.6' W. of W. line of 12th St.	108.06*	108.06*
8 + 40	9.6' W. of W. line of 12th St.	109.39*	
8 + 49.6	At W. line of 12th St.	109.46	109.54
14 + 40	68' E. of E. line of 16th St.	117.51	

14 + 72	100’ E. of E. line of 16th St.		117.77
14 + 94	122’ E. of E. line of 16th St.	119.28	
15 + 24	152’ E. of E. line of 16th St.		119.28
15 + 59	16’ W. of W. line of Lyman St.	118.82	
15 + 70	5’ W. of W. line of Lyman St.		118.82
15 + 75	W. line of Lyman St.	119.10	
16 + 10	35’ E. of W. line of Lyman St.		119.00

Centerline Elevations*

Station	9th Ave. NW	Grade Elevation (reference to sea level
24 + 00		932.40
25 + 00		933.79
26 + 00		935.77
27 + 00		937.16
28 + 00		937.49
29 + 00		936.74
30 + 00		934.72
31 + 00		923.09
32 + 00		929.73
33 + 00		928.42

* All elevations refer to top of roadway.

APPENDIX C

VACATIONS*

Ord. No.	Date	Description
97	6-4-36	Alley in Block 7 of W.W. Smith's Addition to Waverly, IA.
99	6-4-38	Alley in Block 14 of the Original Town.
100	10-4-38	Alley in Block 28 of Cretzmeyer's Addition to Waverly, IA.
101	6-26-39	The west forty-five feet of the extension of 1st Street SE from the south line of 4th Avenue SE to the Cedar River.
103	1-4-40	Part of 9th Street SW
104	6-4-41	Alley lying south of Block 1 and north of Block 4 of East Waverly Addition to Waverly, IA.
106	5-27-42	Parts of Lots 1 and 2 of the west half of the SW quarter of Section 35, T.92N., R.14W., of the 5th P.M.
107	10-5-42	Alley north of Block 2 and north of Lots 1, 2, 3, 4 and 5 of Block 3 of Brooks' and Woodruff's Addition to Waverly, IA.
108	11-5-45	Street formerly known as Linn Street and now known as 3rd Street SW in I. H. Sturdevant's Addition to Waverly, IA.
109	2-21-46	Lots 12, 13, 14, 15, 16 and 17 in Fractional Block 5 in Harmon's and LeValley's Addition to Waverly, IA.
110	2-21-46	Alley extending from east side of 1st Street NW east to the Cedar River and lying north of Lots 12, 13, 14, 15, 16, 17 and 18 in Fractional Block 5 in Harmon's and Levalley's Addition to Waverly, IA.
111	4-4-46	Part of Lot 1, Fractional Block 8, as platted by Frederick Cretzmeyer.
112	7-5-46	Alley extending east and west through the approximate center of Block 114 in Harmon's and LeValley's Addition to Waverly, IA.
113	12-4-46	The south twenty feet of the alley extending from the east to the Cedar River and lying north of Lots 12, 13, 14, 15, 16, 17 and 18 in Fractional Block 5 in Harmon's and Levalley's Addition.
114	8-1-47	Part of 9th Street SW, formerly Orange St.
115	10-23-47	Portion of certain streets and alleys in the city.

116	3-4-48	Part of Section 3, T.91 N., R.14W., of the 5th P.M.
118	8-4-49	Land formerly known as Ellsworth St. and now known as 1st Avenue SW, lying between Blocks 86 and 87.
120	1-18-50	Thirteen feet of alley on 1st Street NW
121	1-18-50	Eighty-seven feet of land on 1st Street NW
122	9-12-50	1st Avenue SW between 5th and 6th Streets SW
123	3-28-51	9th Street NW between 2nd and 3rd Avenues NW and 3rd Avenue NW between 8th and 9th Streets NW
124	1-16-52	4th Street SW between 5th and 6th Avenues SE and all that part of 5th Street SE lying south of 5th Avenue SE
133	4-5-54	Alley in Block 13 of the Original Town of Waverly, IA.
145	5-23-55	Alley in Block 122 of D. Dean's Addition to Waverly, IA.
155	8-5-57	A. 4th Avenue NW west of 8th Street NW B. The east 132.9 feet of the alley lying between 4th Avenue SW and 3rd Avenue SW and between 3rd Street SW and 4th Street SW C. All of Bronson Avenue east of the following described line: Beginning at the NW corner of Lot 2, block 6 of East Waverly Addition and thence running north to the SW corner of Lot 14, Block 3 of East Waverly Addition. Also, all of the north and south street known as Park Street lying east of the east line of Blocks 3 and 6 of east Waverly Addition corporation line of the city.
162	2-18-58	2nd Avenue N .W. lying between 10th Street NW and Eleventh Street N .W. in the city.
175	12-14-59	Street lying north of and adjacent to the C.G.W.R.R. right-of-way being west of the west lien of West Water Street and east of the east line of Elm Street, as shown on the plat of Wm. Mooney's Addition to Waverly, Iowa; also that portion of Ellen Street lying north of and adjacent to Block 10 in J.J. Smith's Addition to Waverly, Iowa; also the alley between Elm Street and West water Street in Wm. Mooney's Addition to Waverly, IA.
176	11-23-59	South fourteen and one-half feet of 7th Avenue NW commencing at the Cedar River and extending west approximately six hundred eighty feet, said strip being limited to that part of 7th Avenue which abuts the property of the Carnation Company and which is not being used for street purposes but which is located between the south curb of the present right-of-way and the south line of the dedicated street.
212	4-3-61	Portion of street described as follows: Commencing at the SE corner of the intersection of 1st Street NW and 7th Avenue NW in the city, thence east along the south line of 7th Avenue NW one hundred thirty-two feet, thence north thirteen and two-hundredths feet,

		thence west one hundred thirty-two feet to a point thirteen and five-hundredths feet north of the point of beginning, thence south thirteen and five- hundredths feet to point of beginning; said vacated portion being that part of said street not being used for street purposes, but which is located between the south curb of the present right-of-way and south line of the dedicated street.
240	7-23-63	Vacating certain alleys and street in the City. The alleys in Block 102 and Block 103 in the sub-division of the SW Quarter of the NE Quarter of Section Three.
243	9-3-63	Alleys in Blocks 102 and 103, and that part of the street formerly known as Ellsworth Street lying between said Blocks 102 and 103, and that part of the street formerly known as Lime Street lying between Bremer Avenue and the right-of-way of the Illinois Central Railway Company, all in the subdivision of the SW quarter of the NE quarter of Section 3, T.91N., R.14W., of the 5th P.M., as originally platted by Wm. P. Harmon and G.W. LeValley.
245	9-16-63	Alley in Block 30 of Harmon's and LeValley's Addition to Waverly, IA.
250	4-6-64	Alley located in the SW quarter of Section 35,/T.92N., R.14W., of the 5th P.M., described as follows: commencing at the intersection of the east line of 1st Street NW and the north line of 6th Avenue NW, this point begin the NE corner of said street intersection in the city; thence northerly along the east line of 1st Street NW a distance of 131.43 feet to the true point of beginning, said point as being the NW corner of Lot 5, Block 9 of the J.J. Smith Addition to the city; thence easterly along the south line of Lots 5, 6 and 7 of the J.J. Smith Addition a distance of 181.64 feet to the east line of said alley, this point also being the NE corner of said Lot 7; thence northerly along the extended east line of said Lot 7 a distance of 16.5 feet to the south line of the Chicago Great Western Railroad Company property; thence westerly along the south line of said Chicago Great Western Railroad Company property a distance of 181.66 feet to the east line of 1st Street NW; thence southerly along said east line of 1st Street NW; thence southerly along said east line a distance of 16.5 feet to the true point of beginning.
272	9-20-65	Part of public road formerly established along a portion of the north and south centerline of the SW quarter of Section 35, T.92N., R.14W., of the 5th P.M., known as the Levalley-Smith Road, which lies north of the north line of 9th Avenue NW in the city, excepting that part of the north portion thereof still used as a public street, the center line thereof being 461.14 feet south of the north line of said SW quarter.
275	12-13-65	Alley in the redivision of a part of the alley located in Block 100, Harmon and LeValley's Addition to Waverly, IA.
282	11-7-66	Part of 5th Street SW lying between 1st Avenue SW and 2nd Avenue SW, south of the centerline of what is locally known as and presently constituted as the "Dry Run," and the west fifty-five feet of the alley located in Block 11 of Wm. Sturdevant's Addition to Waverly, Iowa.

287	5-15-67	Property described as follows: Commencing 50 chains north and 2 chains east of the SW corner of the SE quarter of the SE quarter of Section 3, T.91N., R.14W, of the 5th P.M., running thence north 11 chains along the west side of the public road, thence east 8.75 chains along the north side of said road, thence south chains along the south side of said road, thence south 10 chains along the east side of said road, thence west 1 chain to the place of beginning.
297	8-19-68	1st Avenue SE lying between 1st Street SE and the Cedar River, being all of 1st Avenue SE west of the west line of 1st Street SE
430	4-17-78	Eleventh Street NW from the south edge of 3rd Avenue to 5th Avenue NW
457	11-5-79	Alley in Block 4 of the original town of Waverly, IA.
471	9-2-80	The west 131.1 feet of the alley lying between 3rd Avenue SW and 4th Avenue SW and between 3rd Street SW and 4th Street SW (St. John's Evangelical Lutheran Church.)
473	10-6-80	All right-of-way east of a line 65 feet east of centerline and parallel to Public Highway, known as Bremer Road, in the south half of the SW quarter of the SW quarter of Section thirty-six (36), Township ninety-two (92) North, Range Fourteen (14) west of the 5th P.M. All right-of-way east of a line 65 feet east of center line and parallel to Public Highway, known as Bremer Road, in the NE quarter of the SW quarter of the SW quarter of Section thirty-six (36), in Township Ninety-two (92) North, Range Fourteen (14) west of the 5th P.M.
490	12-7-81	River Park Drive SE, more specifically described as follows: Beginning at a point 993.75 feet west and 356.9 feet north of the SE corner of the NW quarter of the SE quarter, Section Two (2), Township Ninety-one (9l) north, Range Fourteen (14) west of the 5th P.M., thence south 94 feet, thence southerly 56.5 feet along a curve of 90 feet radius, thence south 33 feet on a tangent of the above curve, thence 256.4 feet along a curve of 56 feet radius, thence NWerly 62.5 feet along a curve of 43.5 feet radius, thence north 95 feet, thence west 48 feet to point of beginning. This parcel is adjacent and contiguous to 5th Avenue SE The point of beginning is on the south line of 5th Avenue SE, 550 feet east of the east line of 3rd Street SE
496	2-15-82	Partial alley right-of-way lying in Block F1 of the original town of Waverly.
500	7-6-82	A tract of land in the north half of the SE quarter of the NW quarter of Section Thirty-six (36), Township Ninety-two (92) north, Range Fourteen (14) west of the 5th P.M., Bremer County, IA, described as follows: Commencing at a point approximately 1900 feet west of the SW corner of the NE quarter of the NE quarter of said Section Thirty-Six (36), being a point 50 feet from the centerline of Public Highway known as Bremer Road, thence SWerly along a line 50 feet NWerly and parallel to said center line approximately 170 feet to a point 33 feet east of the of the centerline of said driveway, to a point on the south line of the SE quarter of the NW quarter, thence east approximately 180 feet to point of beginning.

501	7-6-82	Right-of-way described as follows: That portion of 7th Avenue NW lying between 1st Street NW and the Cedar River.
513	3-21-83	That portion of the alley lying adjacent to Lots 5, 6, 7 and 8 in Southwick Addition to the City of Waverly.
517	5-16-83	That portion of 3rd Avenue SE lying west of 1st Street SE in the City of Waverly.
574	1-5-87	Providing for the vacation of that part of the east 22 feet of 1st Street SE lying south of the alley south of 4th Avenue SE in the City of Waverly.
575	3-2-87	Providing for the vacation of that portion of the alley adjacent to Lots 2,3,4,5,6,and 7 of block 9 of J.J. Smith's Addition to the City of Waverly.
598	9-18-89	That portion of the frontage road right-of-way lying adjacent to Lot 2, Block 1 of Willow Lawn 1st Addition north of 3rd Avenue NW
600	10-23-89	Right-of-Way of 10th Street SE and the right-of-way of Bronson Avenue adjacent to Blocks 3 and 6 of East Waverly Addition.
605	3-5-90	Right-of-way of 3rd Avenue SE Between 4th Street SE and 5th Street SE."
606	3-5-90	Right-of-Way of 9th Street NW Between 1st Avenue NW and 2nd Avenue NW, Right-of-Way of 10th Street NW Between 1st Avenue NW and 2nd Avenue NW, Between 9th Street NW and 10th Street NW.
611	7-2-90	Alley right-of-way in Block 119 of Deans Addition to the City of Waverly, Iowa.
613	8-20-90	Right-of-Way on 10th Street NW Between 2nd Avenue and 3rd Avenue NW.
614	9-17-90	Those portions of Right-of-Ways designated as North Line St., Brown St. and Park St. Those portions of Right-of-Ways designated as Evans Street and 5th Street NE lying North of the North lot lines extended of Lots 6,7,8 and 10 in Block 2 of Cedar Lane Acres 2nd Addition.
1122	04-25-23	Lots 125 through 147, inclusive, all in Centennial Oaks Golf Club Addition (Phase 5) as amended by Tagalong Trail Minor Plat (Doc. NO. 20190745) to the City of Waverly, Bremer County, Iowa
1169	07-21-25	The public right-of-way located adjacent to the intersection of 16th Ave. SW and 8th St. SW in the City of Waverly, legally described as: Part of the Waverly Industrial Plaza in the South Half of the Northeast Quarter of Section 10, Township 91 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 2, Waverly Industrial Plaza; Thence North 01°43'41" West, 80.04 feet along the Northerly Extension of the West Line of said Lot 2, to the South Line of Parcel P, as recorded in Document Number 2003-0150, on file in the Bremer County Recorder's Office, Waverly, Iowa; Thence South 89°53'20" East, 446.15 feet along said South Line to the Northwest Corner of a Deed Description, as recorded in Document Number 2024-2066, on file in the Bremer County Recorder's Office, Waverly, Iowa; Thence South 01°44'56" East, 80.05 feet along said West Line to the Easterly

Extension of the North Line of said Lot 2;

Thence North 89°53'20" West, 446.18 feet along said Extension and the North Line of said Lot 2 to the Point of Beginning.

Containing 0.82 Acre(s) (35,693 Square Feet).

1182 10/13/2026

That the Sanitary Sewer Easement in Stone Meadows Subdivision in the City of Waverly is hereby vacated. The easement is legally described as:

DESCRIPTION
A SANITARY SEWER EASEMENT LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 11, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5th P.M., BREMER COUNTY, IOWA.
MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "SS" AND RECORDED IN THE OFFICE OF THE RECORDER, BREMER COUNTY, IOWA; THENCE, N0°31'38" 38.03' ALONG THE WEST LINE OF SAID PARCEL "SS"; THENCE, S73°51'39"E 31.16'; THENCE, S6°27'53"E 246.02'; THENCE, S0°32'22"W 199.38'; THENCE, N89°57'40"E 154.04'; THENCE, S86°48'37"E 349.63'; THENCE, S0°36'50"W 174.95'; THENCE, N89°23'10"W 30.00' TO A POINT ON THE EAST LINE OF A CERTAIN PARCEL OF LAND DESCRIBED AS LOT 5 OF THE SUBDIVISION OF THE OMNI DEVELOPMENT FIRST ADDITION IN CABINET "B", SLIDE 45, IN THE OFFICE OF THE RECORDER, BREMER COUNTY, IOWA; THENCE, N0°37'49"E 134.52' ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE, S89°57'32"W 533.20' ALONG THE NORTH LINE OF SAID OMNI DEVELOPMENT FIRST ADDITION EXTENDED WEST TO THE EAST LINE OF A CERTAIN PARCEL OF LAND RECORDED IN INSTRUMENT NO 19992577 IN THE OFFICE OF THE RECORDER, BREMER COUNTY, IOWA; THENCE, N0°31'38"E 474.53' ALONG SAID EAST LINE OF CERTAIN PARCEL, AND THE EAST LINE OF A CERTAIN PARCEL OF LAND RECORDED IN INSTRUMENT NO 20083444 IN THE OFFICE OF THE RECORDER, BREMER COUNTY, IOWA TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES.

1186 10-13-2026 The Vacation involves vacating a portion of the following easement:

WHEREAS, the proposed vacation involves vacating a portion of the following easement:

Public Utility Easement:
For the mutual benefit and convenience of themselves, their assigns, the City of Waverly, Iowa, and all grantees named in any conveyance heretofore or hereafter executed for each and all the lots in said "ROLLING MEADOW SUBDIVISION (Phase 1)", and all proprietors of public utility companies and their assigns to install, construct, repair, maintain and operate all public utilities and services, including sanitary sewer, storm sewer, gas mains, water mains, electrical facilities, telephone facilities and other public utilities and services over, across and under the following described premises:

The North 20 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; and

The Southernmost 5 feet, as shown on the final plat of the "ROLLING MEADOW SUBDIVISION (Phase 1)" of Lots 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

and

WHEREAS, the City wishes to retain the public utility easement described above as located on the Southernmost 5 feet, as shown on the final plat of the "ROLLING MEADOW SUBDIVISION (Phase 1)" of Lots 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and

WHEREAS, there are presently no public utilities within the easement area located on the North 20 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 as shown on the final plat of the "ROLLING MEADOW SUBDIVISION (Phase 1)", nor does the City believe there is likely any future need for public utilities upon such Lots

APPENDIX D

REZONING*

Ord. No.	Date	Description
412	6-21-77	Beginning at a point that is north 0 09′30″ East 1103.18 feet from the SW corner of Section Three (3), Township Ninety-one (91) north, Range Fourteen (l4) west of the 5th P.M., said point being on the west line of said Section Three (3), thence north 0 9′30″ East 547.10 feet to the north line of the south quarter (S) of the NW quarter (NW) of the SW quarter (SW of Section Three (3), thence north 89 47′20″ East 133.00 feet along said north line, thence south 0 09′30″ West 548.10 feet, thence north 89 50′30″ West 133.00 feet to the point of beginning. From A-I to C-2.
413	6-21-77	The west 130′ of the north 189.86′ measured on the west property line of Lot Eleven (11) of the subdivision of the NE quarter (NE) of the NW quarter (NW) of Section Three (3), Township Ninety-one (91) north, Range Fourteen (14) west of the 5th P.M., said tract amounting to approximately 0.57 acres. From R-1 to R-3.
425	1-9-78	Lot Eight (8) and Lot Nine (9), Willow Lawn Industrial Addition to Waverly, IA, and a parcel of land commencing at a point 1320.50 feet west and 1331.95 feet north of the SE corner of Section Thirty-three (33), Township Ninety-two (92) north, Range Fourteen (14) west of the 5th P.M., thence 89 58′00″ West 1317.30 feet to the NW corner of the SW quarter (SW) of the SE quarter (SE) of Section Thirty-three (33); thence north 0 04′20″ East 778.90 feet to the south right-of-way line of the Chicago NWern Railroad Company, thence along said right-of-way line south 78 49′30″ East 1344.65 feet, thence south 11 06′10″ West 517.90 feet to the point of inning, said parcel containing 19.6 acres, more or less. From M-1 to M.
443	12-18-78	Commencing at a point 585.86 feet north of the SW corner of the SW quarter (SW) of the NE quarter (NE) of Section Three (3), Township 91 north, Range 14 west of the 5th P.M. on the north line of 2nd Avenue SW, Waverly IA., running thence north 137.9 feet, thence north 70 45′ East 253.6 feet to the westerly right-of-way line of the Illinois Central Railway, thence southerly along said right-of-way line 221.7 feet to the north line of said 2nd Avenue SW, thence west along said north line 302.2 feet to the point of beginning. From C-2 and R-3 to R-4.
446	4-16-79	Commencing at a point five hundred fifty (550) feet north of the west corner of Section Eleven (11), Township Ninety-one (91) north, Range Fourteen (14) west of the 5th P.M. Thence east on a line parallel to the south line of the NW one-quarter (NW 1/4) of said section, two hundred ninety-two (292) feet; thence north on a line parallel to the west line of the NW one-quarter (NW 1/4) of said section to a point one hundred sixty-five (165) feet north of the south line of the NW one-quarter (NW ¼) of the NW one-quarter (NW 1/4) of said section. Thence west on a line parallel to the south line of the NW one-quarter (NW 1/4) of the NW one-quarter (NW 1/4) of said section, two hundred ninety-two feet (292) feet of the west line of the NW one-garter (NW 1/4), thence south to the point of beginning. From A-1 to C-2.

463	4-21-80	Lot 2 except the following: Commencing at a point 151.5 feet east of the SW corner of said Lot 2, running thence north 158 feet, thence east 47.5 feet, thence north 7 feet, thence east to the east line of said Lot 2, thence south on said east line to the SE corner of said Lot 2, thence west on the south line of said Lot 2 to the place of beginning; all in the subdivision of the SW one quarter (SW 1/4) of Section Two (2), Township Ninety-one (91) north, Range Fourteen (14) west of the 5th P.M. as shown by the plat recorded in Plat Book "A" of the lands on page 27 of the records of the Recorder's Office of Bremer County, IA, subject to public street. From U-1 to C-2.
463	4-21-80	Lot 3 except the south 10 rods thereof; all in the subdivision of the SW one quarter (SW 1/4) of Section Two (2), Township Ninety-one (91) north, Range Fourteen (14) west of the 5th P.M., as shown by plat recorded in Plat Book "A" of the lands on page 27 of the records in the Recorder's Office of Bremer County, IA subject to public streets. From U-1 to R-3.
483	6-15-81	Part of the NW fractional quarter (NW fractional 1/4) of Section Seven (7), Township Ninety-one (91) north, Range Thirteen (13) west of the 5th P.M. in Bremer County, Iowa (now in the City of Waverly, Iowa), described as follows: Beginning at a point on the north line of said NW fractional quarter (NW fractional 1/4) that is one thousand seven hundred (1700) feet east of the NW comer of said NW fractional quarter (NW fractional 1/4), thence south 00 00′E five hundred forty-six (546) feet, thence easterly along a line parallel with the north line of said NW fractional quarter (NW fractional 1/4) to the east line of said NW fractional quarter (NW fractional 1/4); thence north along the east line of said NW fractional quarter (NW fractional 1/4) to the NE corner of said NW fractional quarter (NW fractional 1/4); thence westerly along the north line of said NW fractional quarter (NW fractional 1/4) to the point of beginning. From A-1 to C-2.
488	11-2-81	Property beginning at the SW corner of Lot Eighteen (18) in Hinds Addition being in the city of Waverly and in the SW quarter (SW 1/4) of Section Twenty-six (26), Township Ninety-two (92) north, Range Fourteen (14) west of the 5th P.M., in Bremer County, IA, thence south 89 59′ West 500 feet along the extension of the south line of said Hinds Addition; thence north 457 feet; thence easterly 360 feet to the NW corner of Lot Nine (9) of said Hinds Addition; thence south 162.62 feet to the SW corner of said Lot Nine (9); thence south 72 47’ East 146.57 feet; thence south 251 feet to point of beginning. From A-1 to R-1.
491	12-12-81	A parcel in the SE quarter (SE 1/4) of the SE quarter (SE 1/4) of Section 34, Township 92 north, Range 14 west of the 5th P.M., Bremer County, IA, bounded and described as follows: Beginning at the NE corner of Lot 1, Block 7 of Juhl's 3rd Addition to Waverly, Iowa, which is on the west line of the SE quarter (SE 1/4) of the SE barter (SE 1/4) of said Section 34; east 655 feet more or less, along the south line of 7th Avenue NW to a point 175 feet west of the west line of 5th Street NW; thence south 85 feet, more or less, to a point 8.5 feet distant northerly, measured at right angles, from the centerline of the most northerly side track of the Chicago and NWern Transportation Company; thence westerly parallel to the side track and 8.5 feet northerly thereof a distance of 200 feet; thence northerly to a point 9.5 feet distant

		northerly, measured at right angles, from the centerline of said side track; thence westerly parallel to the side track and 9.5 feet northerly thereof to the intersection with the north right-of-way line that is 50 feet north of the centerline of the main track; thence west along said right-of-way line to the SE corner of Lot 1, Block 7, of Juhl's 3rd Addition; thence North 98.80 feet to the point of beginning. M-1 to R-3.
492	12-21-81	That part of the north half (N 1/2) of the NW fractional quarter fractional 1/4) of Section Seven (7), Township Ninety-one (91) north, Range Thirteen (13) west of the 5th P.M. in Bremer County, IA, (now in the City of Waverly, IA), lying east of a line described as follows: Beginning at a point on the north line of said NW fractional quarter (NW frac 1/4) that is one thousand seven hundred (1700) feet east of the NW corner of said NW fractional quarter (NW frac 1/4); thence south 00°00'E parallel with the west line of said north half (N 1/2) NW fractional quarter (NW frac 1/4) to the south line of said north half (N 1/2) NW fractional quarter (NW frac 1/4); except the north five hundred forty-six (546) feet thereof. From A-1 to R-MH
498	4-19-82	Property beginning at a point south 1°15′ West 200 feet from the north quarter corner of Section 7, Township 91 north, Range 13 west of the 5th P.M., thence on the right-of-way line of Iowa State Highway 3 north 44°00′ West 197.43 feet, thence west 0°00′ 351.40 feet, thence south 0°00′ 266 feet, thence east 0°00′ 480.20 feet, thence north 1°15′ East 126.06 feet to the point of beginning. From A-1 to C-2.
506	12-6-82	Lot 3 except the South 10 rods thereof, and Lot 2 except the following: commencing at a point 151.5 feet east of the SW corner of said Lot 2, running thence north 158 feet, thence east 47.5 feet, thence north 7 feet, thence east to the east line of said Lot 2, thence south on said east line to the SE corner of said Lot 2, thence west on the south line of said Lot 2 to the place of beginning; all in the subdivision of the SW one-4th of Section 2, Township 91 North, Range 14 west of the 5th P.M., as shown by plat recorded in Plat Book "A" of lands on page 27 of the records in the Recorder's office of Bremer County, IA, subject to public streets. From U-1 to R-4.
508	12-20-82	Beginning at the SE corner of Lot I, Block 7, Juhl's 3rd Addition to Waverly, IA; said point begin 50 feet north of the centerline of the Chicago and NWern Transportation Company's main track; thence easterly parallel with said main track a distance of 382 feet to the intersection with a line 9.5 feet distant northerly, measured at right angles, from the most northerly spur track; thence easterly parallel with said main track a distance of 382 feet to the intersection with a line 9.5 feet distant northerly thereof, measured at right angles, to the intersection with a line 15 feet normally distant from the centerline of the northerly passing track; thence west 226 feet parallel with said line to a point on the east line of Lot 1, Block 7, Juhl's 3rd Addition extended, said point being 15.0 feet normally distant from the centerline of the northerly passing track; thence north 20.0 feet to the point of beginning. From M-1 to R-3.
509	12-20-82	Commencing at a point 1014 feet south of the NE corner of the NW one-4th of Section 35, Township 92 North, Range 14 West of the 5th P.M., running thence south 0°00′ 247.44 feet along the centerline of said Section 35, thence south 57°54′ West 171.16 feet, thence north 0°00′ 330.06 feet, thence south 89°27′ East 145 feet to the place of

		beginning, subject to public highways. From A-1 to R-1.
511	1-24-83	All that part of the NW quarter of the NE quarter of Section 12, Township 91 North, Range 14 West of the 5th P.M. which lies north and east of the center of stream of the Cedar River except right-of-way of Chicago NWern Transportation Railroad Company. From A-1 to M-2.
512	1-24-83	Lots 5, 6, 7 and 8 of Southwick's Subdivision of the City of Waverly. From R-1 to R-3.
522	9-19-83	The NW quarter (NW 1/4) of the NE quarter (NE l/4) of the NE quarter (NE 1/4) of Section 12, Township 91 N., Range 14 West of the 5th P.M., Bremer County, Iowa. From A-1 to M-2.
524	10-17-83	Lots 3 and 4 of Timberwood Subdivision of the City of Waverly, Iowa. From R-1 to R-2.
525	1-16-84	All that part of Lot 7 in the subdivision of the SE quarter (SE 1/4) of Section 3, Township 91 North, Range 14 West of the 5th P.M., lying south of former right-of-way of the Chicago, Rock Island and Pacific Railroad Company (formerly Waverly Short Line Railroad Company), accept the west 669.20 feet thereof. R-1 to R-3.
527	4-16-84	Lots 3 and 4, Southwick's Addition of the NE part of Lot 6, of the SE quarter (SE 1/4) of the SE quarter (SE 1/4) of Section 13, Township 91 North, Range 14 West of the 5th P.M. From R-l to R-3.
537	11-19-84	Beginning at the SW corner of the SE quarter of Section 35, Township 92 North, Range 14 West of the 5th P.M., Bremer County, Iowa; said point also being the NW corner of the Highlands Addition to Waverly, Iowa; thence south 88°06′05″ East 627.00 feet to the NE corner of said addition; thence north 0°32′20″ East 22.64 feet to the NW corner of Lot 2 of the subdivision of the NW quarter of the NE quarter of Section 2; thence north 89°49′50″ East 240.00 feet to the NE corner of Lot 2 of said subdivision in Section 2, point also being the SE corner of Lot 12 of the subdivision of the SE quarter of Section 35; thence north 0°37′45″ East 224.48 feet along the easterly boundary of said Lot 12; to the SEerly corner of a survey recorded in year 1983, Document No. 1490 in the office of the Bremer County Recorder; thence north 60°51′10″ West 721.07 feet along the southerly boundary of said survey to the centerline of Cedar Lane; thence south 31°29′55″ West 288.55 feet along the said centerline; thence south 39°51′20″ West 475.38 feet along said centerline; thence south 63°07′20″ East 130.50 feet to a point on an existing fence line; thence south 87°22′05″ East 95.20 feet on an existing fence to the east line of Lot 1 of the subdivision of the NE quarter of Section 2, said point being north 168.00 feet from the SE corner of Lot 1; thence north 2°31′55″ East 96.00 feet to the point of beginning. Said parcel contains 8.95 acres more or less including road right-of-ways along the westerly side. From A-1 to R-1.

543	2-18-85	Beginning 275 feet south of the NW corner of Section 11, Township 91 North, Range 14 West of the 5th P.M.; thence north 89°35′00″ East, 787 feet; thence south 1044.74 feet; thence south 89°20′40″ West, 787 feet; thence north 1047.88 feet to point of beginning, subject to roadway easement of 33 feet along the west line for Highway No. 281. From A-1 to S-1.
546	5-6-85	Willow Lawn IV Subdivision, Lots 1, 2, 3 and 4 of Block 1. From R-1 to R-2.
560	4-7-86	NW quarter (NW 1/4) of the SE quarter (SE 1/4), Section 1, Township 91, 14 Range 184', Lot 8, also known as: Beginning at the SW corner of the NW quarter (NW 1/4) of the NW quarter (NW 1/4) of the SE quarter (SE 1/4) of Section 1, Township 91 North, Range 14 West of the 5th P.M., thence south 661.7 feet, thence east 184 feet, thence north 528.3 feet to the edge of State Highway No. 3, thence NWerly along said highway 227.29 feet to the point of beginning (being a part of Lot 2 in subdivision of SE quarter (SE 1/4) of Section 1, Township 91 North, Range 14 West of the 5th P.M., now known as Lot 8 of Auditor's Flat of the east half (E 1/2) of Section 1, Township 91 North, Range 14 West of the 5th P.M., as shown by plat recorded in Plat Book "A" on page 148 in the office of the Recorder of Bremer County, Iowa). From A-1 to C-2.
561	4-21-86	The west 600 feet of the SW quarter (SW 1/4) of Section 11, Township 91 North, Range 14 West of the 5th P.M., except the following: Commencing at the NW corner of the SW garter (SW 1/4) of the SW quarter (SW 1/4) of Section 11, Township 91 North, Range 14' West of the 5th P.M., running thence east 400 feet, south 400 feet, thence west 400 feet, thence north 400 feet, to place of beginning; and excepting, also, the following described tract: Commencing at the SW corner of said Section 11, running thence east on south line of said section 947 feet, thence north 533 feet, thence west 942.19 feet to the west line of said Section 11, thence south 0°31′00″ West 533.02 feet along west line of the SW quarter (SW 1/4) of said Section 11 to point of beginning, subject to public highways. From A-1 to C-2.
563	6-23-86	All that part of the following described tract lying easterly in a line commencing 99 feet east of the SW corner thereof, and running thence NEerly to a point 167.8 feet east of the NW corner of said tract to-wit: commencing at a point 150 feet east of the SW corner of the east 30 acres of the west one-half (W 1/2) of the east one-half (E 1/2) of the NW quarter (NW 1/4) of Section 27, Township 92 North, Range 14 West of the 5th P.M. running thence east along south line of said NW quarter (NW 1/4) 391.15 feet, thence north 0 20' west 94.82 feet, thence north 32°18′ West 114.60 feet, thence directly west on a line that is parallel with the south line of said NW quarter (NW 1/4) to a point directly north of the point of beginning thence south to the point of beginning, together with an easement and right-of-way as shown in Book 236, page 264 and subject to that certain well agreement recorded in Book 231, pages 724-726 in the Office of the Recorder of Bremer County, Iowa. A-1 to R-1.
566	7-21-86	The west 310 feet of the south 1,250 feat of the SW quarter (SW 1/4) of Section 27, Township 92 North, Range 14 West of the 5th P.M., Bremer County. From A-1 to R-1.

568	8-25-86	Part of the east 30 acres of the west half of the east half of the NW quarter (NW 1/4) of Section 27, Township 92 North, Range 14 West of the 5th P.M., Bremer County, Iowa, further described as follows: Beginning at the NE corner of the south 300 feet of the west 150 feet of said east 30 acres; thence north 89°40′0″ East 343.41 feet to the west line of the SE quarter (SE 1/4) of the SE quarter (SE 1/4) NW quarter 1/4) of Section 27; thence south 0°13′0″ East 128.91 feet along said westline of a parcel presently owned by Kick Hartman; thence north 32°39′35″ West 24.34 feet along the easterly line of said parcel; thence south 89°40′0″ West 330.13 feet parallel to the south line of the NW quarter (NW 1/4) to a point 150 feet east of the west line of said east 30 acres; thence north 0°20′0″ West 108.34 feet to the point of beginning. Parcel contains 0.86 acres. From A-1 to R-1.
578	7-6-87	Lot 3 except the south 10 rods thereof, and Lot 2 except the following: Commencing at a point 151.5 feet east of the SW comer of said Lot 2, running thence north 158 feet, thence east 47.5 feet, thence north seven feet, thence east to the east line of said Lot 2, thence south on said east line to the SE corner of said Lot 2, thence west to the south line of said Lot 2 to the place of beginning; all in the subdivision of the SW quarter (SW 1/4) of Section 2, Township 9l North, Range l4 West of the 5th P.M., as shown by the plat recorded in Plat Book "A" of lands on page 27 of the records in the Recorder's Office of Bremer County, Iowa, subject to public streets. From U-1 to C-2.
586	9-19-88	Lot 9, Willow Lawn Industrial Addition to Waverly, Iowa. From M-1 to M-2.
586	9-19-88	Commencing at a the NW corner of Lot 9, Willow Lawn Industrial Addition to Waverly, Iowa; thence west along the north line of Willow Lawn Industrial Addition 25 feet to the centerline of Industrial Street; thence north 130.88 feet; thence east 658.30 feet; thence south 131.05 feet to the NE corner of Lot 9 of Willow Lawn Industrial Addition; thence west along the north line of Willow Lawn Industrial Addition to the point of beginning. From M-1 to M-2.
587	10-3-88	That part of the NW quarter (NW 1/4) of the SE quarter (SE 1/4) of Section 33, Township 92 North, Range 14 West of the 5th P.M. lying South of the Chicago and NWern Transportation Company described as follows: Commencing at a point 1320.5 feet west and 1331.95 feet north of the SE corner of said Section 33; thence north 89°58′00″ West 1317.30 feet to the NW corner of the SW quarter (SW 1/4) of the SE quarter (SE 1/4) of Section 33; thence north 0°04′20″ East 778.90 feet to the south right-of-way line of the Chicago and NWern Transportation Company; thence along said right-of-way line south 78°49′30″ East 1344.65 feet; thence south 0°15′15″ West 517.90 feet to the point of beginning, excepting therefrom the following described parcel: "Commencing at the NW corner of Lot 9, Willow Lawn Industrial Addition to Waverly, Iowa; thence west along the north line of Willow Lawn Industrial Addition 25 feet to the centerline of Industrial Street; thence north 130.88 feet; thence east 658.30 feet; thence south 131.05 feet to the NE corner of Lot 9 of Willow Lawn Industrial Addition; thence west along the north line of Willow Lawn Industrial Addition to the point of beginning." From M-l to M-2.

591	1-16-89	South 284 feet of the east one-half (E 1/2) of the south one-half (S 1/2) of the NW quarter 1/4), Section 34, Township 92 North, Range 14 West of the 5th P.M. also described as the south 284 feet of the SE quarter (SE 1/4) of the NW quarter (NW 1/4) of Section 34, Township 92 North, Range 14 West of the 5th P.M. From A-1 to R-1.
595	7-3-89	NW quarter (NW 1/4) of the SE quarter (SE 1/4) except the east 585 feet thereof and except the following: Beginning at a point on the west line of the SE quarter (SE 1/4) of Section 34, that is South 0°09′00″ West 570.00 feet from the NW corner of the NW quarter (NW 1/4) of the SE quarter (SE 1/4) of Section 34; thence south 89°59′00″ East 456.55 feet to the point 280.00 feet west of the west line of the Juhl Addition to Waverly, Iowa; south 0°00′00″ East 756.40 feet parallel with the west line of said Juhl Addition to the south line of said quarter-quarter; thence north 89°59′00″ West 458.55 feet to the west line of the SE quarter (SE 1/4); thence north 0°09′00″ East 756.40 feet to the point of beginning, and except lands lying within the following description: the south 683.08 feet of the east 865 feet of all that part of the NW quarter (NW 1/4) of the SE quarter (SE 1/4) and north one-half (N 1/2) of the SW quarter (SW 1/4) of the SE quarter (SE 1/4), Section 34, lying north of the north line of railroad right-of-way, except the east 585 feet thereof; all in Section 34, Township 92 N., Range 14 West of the 5th P.M. in the City of Waverly, Iowa, subject to easements and public highway. From A-1 to R-1.
596	7-3-89	South 683.08 feet of the east 865 feet of all that part of the NW quarter (NW 1/4) of SE quarter (SE 1/4) and north one-half (N 1/2) of the SW quarter (SW 1/4) of the SE quarter (SE 1/4), Section 34, Township 92 North, Range 14 West of the 5th P.M. lying north of the north line of railroad right-of-way except the east 585 feet thereof, in the City of Waverly, Iowa, subject to easements of record. From A-1 to R-3.
597	9-18-89	Beginning at the East ¼ corner of Sec. 10, Twp. 91 N. Range 14 West of the 5th P.M.; thence South 0°06'15" West 201.83 feet along the Section line; thence North 89°31'55" West 418 feet; thence South 0°06'15" West 845; thence North 89°31'55" West 157 feet; thence South 0°06'15" West 275 feet to the South line of the N ½ of the S ½ of said Section 10; thence North 89°31'55" West 1382.58 feet to the East right of way line of the Illinois Central Gulf Railroad; thence North 1°25'50" West 1978.28 feet along said East line to the North line of the S ¼ of the NE ¼ of said Section; thence South 89°35'25" East 1100 feet; thence South 1°25'50" East 404.83 feet; thence South 89°35'25" East 899.25 feet to the East line of the NE ¼ of said Section 10; thence South 252.99 feet along said East line to the point of beginning, together with all easements for access and all appurtenant estates, except the East 418 feet thereof. From A-1 to M-1.
601	11-20-89	All that part of the south one-half (S ½) of the SE quarter (SE ¼) of Section 1, Township 91 North, Range 14 West of the 5th P.M. lying south and west of the centerline of Iowa State Highway No. 3 except all that part thereof lying in the SW corner which is SWerly of a line parallel with and 50 feet NEerly from the centerline of the C.G.W. Railway Company's right-of-way as located across said Section 1, also except the following: Commencing at the SE corner of said Section 1, running thence west 58½ rods, thence north 16028' east 8.25 chains to Iowa State Highway No. 3, thence in a SEerly direction along said highway to the place of beginning, and also except the following: Beginning on the southerly side of

		Iowa State Highway No. 3 at the SE corner of Lot 8 in Auditor's Plat of the east one-half (E ½) of Section 1, Township 91 North, Range 14 West of the 5th P.M. (as shown by plat recorded in Plat Boos "A", page 148),and running thence SEerly along said highway 840 feet, thence SWerly at right angles to said highway 250 feet, thence in a NWerly direction parallel to said highway 880 feet, thence at right angles NEerly 214.88 feet to a point on the southerly side of said Lot 8, thence easterly along the southerly side of said Lot 8, 53.20 feet to the point of beginning The NW quarter (NW ¼) of the NE quarter (NE ¼) of Section 12, Township 91 North, Range 14 West of the 5th P.M., except right-of-way of the C.G.W. Railway Company, and except that portion thereof described as follows: That part of Lot 9 of Auditor's plat of the east one-half (E ½) of Section 1, Township 91 North, Range, Range 14 West of the 5th P.M., Bremer County, Iowa, described as follows: Beginning at a point of the south line of said Section 1, that is north 89°26'30" west 965.25 feet from the SE corner of said Section 1, thence north 89°26'30" 660.00 feet along the south line of Section 1, thence north 0°05'30" east 274.82 feet, thence north 42°06'05" east 675.36 feet to the south right-of-way line of the public road; thence south 54°08'20" east 449.90 feet along south line of the west line of Lot 11 of said Auditor's plat; thence south 16°53'15" west 542.58 feet along said west line to the point of beginning, all located within the City of Waverly, Iowa, except a three(3) acre parcel 480 feet east and west by 275 feet north and south that is directly behind the current Rieger Mobile Home Sales. From A-1 to M-1.
603	2-5-90	The north 673.2 feet of Lot 12 in the subdivision of the NW quarter of Section 1, Township 91 North, Range 14 West of the 5th P.M. From A-1 to R-1. Lots 11 and 12 in the subdivision of the NW quarter of Section 1, 91 North, Range 14 West of the 5th P.M., except that portion of Lot 11 conveyed to the W.C.F. & N. Railway Company and the north 673 feet of Lot 12. From A-1 to R-2.
617	10-15-90	West 1091 feet of the SW quarter of the NW quarter, Section 11, Township 91, Range 14 West of the 5th P.M. meridian. "Except West 191 feet x North 320 feet x "Except South 550 feet x West 292 feet." From A-1 to C-2.
621	1-7-91	Rezoned from its present classification of R3 Multi Family Residence District) to R1 (Single Family Residence District): Lots 2 and 4 Woodring Estates, in the City of Waverly, Iowa and Bremer County.
640	4-20-92	Rezoned from its present classification of A-1, Agricultural District to R-2, One and Two Family Residence District. S ½ of SW ¼ of SE ¼ of Section 2, T91N, R14W in the City of Waverly, Iowa and Bremer County.
643	6-15-93	The following described real estate is hereby rezoned from its present classification of C-2, Commercial District to M-2, Industrial District in the City of Waverly, Iowa and Bremer County. The North 326.06 feet of the East 480.20 feet of the NW 1/4 of Section 7, Township 91 North, Range 13 West of the 5th P.M.
647	11-16-92	The following areas of the City of Waverly are rezoned from the current U-1 Environmentally Sensitive Protected District to the classification of R-1 Single Family Residential District. Lots 31 & 32 of Green Acres 2nd Addition.

Shipp's Addition; Beginning at the SE corner of 1st Street SW and 7th Avenue SE; thence East 114 feet on the South right-of-way line of 7th Avenue; thence South parallel to 1st Street SW to the North line of Shipp's Addition; thence West 114 feet to the East right-of-way of 1st Street SW; thence North to the Point of beginning.

Lots 3 & 4 of Block 1 of Crestwood Addition.

Lots 1, 2, & 3 of Block 1 of Jahnke Addition and beginning at the NW corner of Lot 1, Block 1 of Jahnke Addition; thence west 28.75 feet; thence South 132 feet; thence East 28.75 feet to the SW corner of Lot 1, Block 1; thence North to the point of beginning.

The S ½ of the N ½ of the SW ¼ of the SW ¼ of the SE ¼ of Section 2, Township 91 North, Range 14 West of the 5th P.M.

The Following areas of the City of Waverly are rezoned from the current U-1 Environmentally Sensitive Protected District to the classification of R-2 One and Two Family Residential District.

Lots 2, 3, & 4 of Block 1 of J.J. Smith's Addition.

Lots 3 & 4 of Block 2 of Harmon & LeValley's Addition.

Lots 1, 2, 7, & 8 of Block 32 of Harmon & LeValley's Addition.

Blocks 30 & 31 of Harmon & LeValley's Addition.

Lots 3, 4, 5, & 6 of Block 1 of I.H. Sturdevant's Addition.

Lots 1,2,3,4,6, & 7 of Block 6 of I.H. Sturdevant's Addition.

Lot 1 of Block 7 of I.H. Sturdevant's Addition.

Lots 1,2,3, & 4 of Block 11 of I.H. Sturdevant's Addition.
66 feet of right-of-way of 3rd Street SW between Block 10 & 11 of I.H. Sturdevant's Addition.

Lots 1 & 2 of Block 10 of I.H. Sturdevant's Addition.

Lots 9, 10, 11, 12, 13, 14, 15, & 16 of Hess Addition.

Lots 26, 27, 28, 29, & 30 of Hess Addition, North of a line described as follows: Commencing at a point 300 feet South of NW corner of Lot 26; thence NEerly to a point 100 feet South of the NE corner of Lot 30 of Hess Addition.

Lot 4 and the West 34 feet of Lot 3 of Block 12 of I.H. Sturdevant's Addition.

Lots 5 & 6 of Block 7 of I.H. Sturdevant's Addition, West of a line described as follows: Commencing at a point 100 feet East of the SW corner of Lot 5 of Block 7 in I.H. Sturdevant's Addition; thence North to a point on the North line and 50 feet East of the NW corner of Lot 5, and Block 7.

Lots 23, 24, & 25 of Hess Addition, East of a line described as follows: Commencing at a point 150 feet West of the NE corner of Lot 23 of Hess Addition; thence South to a point 150 feet West of the NE corner of Lot 24 of Hess Addition; thence Southerly to a point on the north line and 100 feet West of the NE corner of Lot 25 of Hess Addition; thence SEerly to a point on the East line and 100 feet south of the NE corner of Lot 25 of Hess Addition.

1st Street SE, Lots 17, 18, 19, & 20 of Hess Addition, North of a line described as follows: Commencing at a point 100 feet South of the NE corner of Lot 25 of Hess Addition; thence East to a point 100 feet South of the NE corner of Lot 20 of Hess Addition.

Lots 21 & 22 of Hess Addition, North of a line described as follows: Commencing at a point 100 feet South of the NW corner of Lot 21 of Hess Addition; thence Easterly to a point on the East line and 50 feet South of the NE corner of Lot 22.

The following areas of the City of Waverly are rezoned from the current U-1 Environmentally Sensitive Protected District to the classification of R-4 Multiple Family Residential Transitional District.
Lots 1, 2, 3, & 4 of Block 29 of Harmon & LeValley's Addition.

The following areas of the City of Waverly are rezoned from the current U-1 Environmentally Sensitive Protected District to the classification of C-2 Commercial District.

Beginning at the NW corner of 1st Street SW and 8th Avenue SW thence West 497.7 feet on the North line of 8th Avenue; thence North 125 feet; thence East 50 feet; thence North 7 feet; thence East 447.7 feet to the West line of 1st Street SW; thence South to the point of beginning.

648	1-4-93	Beginning at a point North 252.99 feet and North 89°35'25" West 66.90 feet from the East corner of said section (10) Township (91) North, Range (14) West of the 5th P.M. Thence North 89°35'25" West 237.35 feet Thence North 1°25'50" West 404.83 feet to the South line of the North half (N½) of the SE quarter (SE¼) of the NE quarter (NE¼) of Section 10. Thence South 89°35'25" East 247.46 feet Thence South to the point of beginning. From A-1 to C-2.
650	5-17-93	Rezoned from A-1 Agricultural District to R-1, Single Family Residence District: Part of lot 10 and 19 in the subdivision of NW quarter of Section 1, Township 91N, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa, described as follows: Beginning at the intersection of the North line of said lot ten (10) with the easterly line of the westerly 65 feet of said lot ten (10); thence north 89°11'36" east 65.02 feet to an iron pin; thence continuing north 89°11'36" east

366.88 feet along the north lines of said lots ten (10) and nineteen (19) to a point 35.2 feet east of the NW corner of said lot nineteen (19); thence south 03°55'45" west 257.84 feet along a line if extended would intersect the SW corner of said lot nineteen (19); thence south 88°46'20" west 411.63 feet to said easterly line; thence north 00°35'07" west 259.98 feet along said easterly line to the point of beginning.

651	8-23-93	Commencing at the center of Section 1, Township 91 North, Range 14 West; thence West along the Quarter Section line 406.10 feet; thence North 35.5 feet to the point of Beginning of the tract herein described (being a point in the Southerly line of the Waterloo Railroad Company's abandoned Right-of-Way as formerly located). Thence North 0°26'10" East 265.72 feet; thence North 84°09'25" west 270.25 feet to the West line of Lot 7 in the subdivision of the NW quarter of Section 1; thence South 0°06'45" West 48.40 feet to the Northerly line of the Railroad Right-of-Way; thence along the Northerly Right-of-Way line North 71°56'20" West 347.24 feet to the Southerly Railroad Right-of-Way line; thence South 71°56'20" East 628.62 feet along the Right-of-Way to the Point of Beginning. From A-1 to C-2.
652	8-23-93	Commencing at the intersection of the Northerly Right-of-Way line of Iowa State Highway No. 3 with the East line of Lot 1 of the Subdivision of the NE¼ of the SW¼ of Section 1, Township 91 North, Range 14 West of the 5th P.M., thence North 55°07'50" West 174.52 feet along said Right-of-Way line to the Point of Beginning; thence North 55°07'50" West 315.11 feet along said Right-of-Way line to a point 267.40 feet normally distant from the West line of the E½ of the NE¼ of the SW¼ of Section 1; thence North 0°26'10" East 627.92 feet parallel with said West line to the South line of a parcel described in Book 239, pages 29-30 of the records of the/Recorder of Bremer County, Iowa, thence South 84°09'25" East 400.90 feet along said South line to the East line of Lot 8 of the Subdivision of the NW¼ of Section 1; thence South 0°06'45" West 260.71 feet to the center of Section 1; thence South 0°06'45" West 294.85 feet to a point 311.55 feet North of the Northerly Right-of-Way line of said Iowa State Highway No. 3; thence North 89°53'15" West 143.38 feet; thence South 0°06'45" West 212.00 feet to the Point of Beginning, in the City of Waverly, Iowa. From A-1 to M-1.
656	2-7-94	PARCEL A: A triangular portion of the following which is in R-3 Zone: An irregular parcel of land located in the NW quarter (NW ¼) of Section Three (3), Township Ninety-one (1) North, Range Fourteen (14) West of the 5th P.M., more particularly described as: Beginning at the intersection of the Northerly line of Bremer Avenue and the Westerly property line of the Illinois Central Railroad Company, said point also being 200 feet Westerly of centerline of said Railroad main track as measured at a right angle thereto, thence NWerly along said property line a distance of 180 feet, thence Easterly at a right angle to last described line a distance of 140 feet more or less, to a point 80-½ feet Westerly from the centerline of grantor's most Westerly side track as now located and as measured at a right angle thereto, thence Southerly 8-½ feet Westerly of and parallel to said side track a distance of 280 feet more or less to a point on the Northerly line of said Bremer Avenue, thence Westerly along said streetline a distance of 156 feet more or less to point of beginning, containing an area of 30,250 square feet, more or less, with easement for road purposes. From R-3 to C-2.

		PARCEL B: An irregular parcel of land located in the NW Quarter of Section Three (3), Township Ninety-one (91) North, Range Fourteen (14) West of the 5th (5th) Principal Meridian at Waverly, Bremer County, Iowa more particularly described as Follows: Commencing at the intersection of the Northerly line of Bremer Avenue and the former Illinois Central Railroad Company's Westerly property line, said point also being 200 feet Westerly of the centerline of the former Illinois Central Railroad Company's main track as measured at a right angle thereto; Thence NWerly along said Westerly property line a distance of 180 feet to the point of beginning, said point also being the NW corner of property conveyed by the former Illinois Central Railroad Company to C.E. Kuykendall, by deed dated October 30, 1970; Thence continuing NWerly along said Westerly property line a distance 656 feet, more or less to the north line of the former Illinois Central Railroad Company's station grounds; Thence Easterly along the Northerly line of said station grounds a distance of 150 feet to a point 50 feet Westerly from the centerline of main track, as measured at a right angle thereto; Thence Southerly parallel with and 50 feet Westerly from said centerline of main track to a point which is 8.5 feet Westerly from the centerline of most Westerly side track, as measured at a right angle thereto; Thence continuing Southerly parallel with and 8.5 feet Westerly from said centerline of side track to the northerly line of property conveyed to said C.E. Kuykendall; Thence Westerly along the said Northerly property line to the point of beginning. From R-3 to C-2.
660	2-28-94	South 148.5' of the West half of Block 87 and the West one half the North one half of the vacated 1st Avenue SW between Block 86 and 87 in the subdivision of the SW quarter NE quarter Section 3-91-14. From R-2 to R-3.
663	7-25-94	Lot 3, Willow Lawn 2nd Addition, to Waverly, Iowa. From C-2 to PD.
666	10-24-94	All that part of Lot 5 in Subdivision of the NW Quarter (NW 1/4) of Section 1, Township 91 North, Range 14 West of 5th PM lying North of Public road running NWerly and SEerly across said Lot 5 and East of the Dry Run and South of the Railroad right-of-way of W.C.F & N. Railway as formerly located. Reserving to Poultry Breeders Publishing Co. its successors or assigns a right of way 40 feet wide adjacent to and parallel with the Dry Run and also all that part of Lot 6 in the Subdivision of said NW Quarter (NW1/4) of said Section 1 Lying South of the railroad and also Lot 2 in the Subdivision of the NE Quarter (NE1/4) of the SW Quarter (SW 1/4) of said section 1, Township 91 North, range 14 West of the 5th PM excepting therefrom land conveyed to the State of Iowa for highway purposes as set 4th in deed dated September 24, 1957, and recorded in Book 119 at pages 287 and 288 on file in the records of the office of the Recorder of Bremer County, Iowa except commencing at the NW corner of the SW Quarter

		(SW ¼) of the NW Quarter (NW1/4) of said Section l; thence 0 51 00 east 117.00 feet along the West line of the NW Quarter (NW ¼) of Section 1, thence South 54 15 00" East 1579.1 feet along the existing centerline tangent of primary road No. 3 to P.I. STA. 28+61.6; thence continuing along said centerline tangent South 55 16'00" East 539.l7 feet; thence North 34 44'00" East 33.00 feet to the point of beginning. Said point being on the NEerly right of way of line of primary Road No. 3; thence North 52 0l'40" West 211.30 feet along the NEerly right of way of said primary road; thence North 29 09'15" West 125.l0 feet along said right of way; thence North 39 08'20" East 14.34 feet to South right of way line of the former Waterloo Railroad Company (formerly W.C.F. and & N. RR); thence South 71 56'20" East 36.27 feet along said South right of way; thence South 34 44'00" West 177.79 feet to the point of beginning. From A-1 to R-1
669	1-3-95	A tract commencing at the NE corner of Block Six in the Subdivision of the NE Fractional Quarter of the NE Quarter of Section Two, Township 91 North, Range 14 West of the 5th PM thence South on the East line of said block 132 feet to the point of beginning, thence South 90 feet along the East line of said Block 6, thence due West 77 feet, thence due North 40 feet, thence due West 77 feet, thence due North 32.02 feet, thence due East 26 feet, thence due North 17.98 feet, thence due East to the point of beginning. From C-2 to R-3.
670	2-6-95	A parcel of land located in a portion of the East 57 acres of the south half (S 1/2) of the SW Quarter (SW 1/4) of Section 26, Township 92 North, Range 14 West of the 5th PM in the City of Waverly further described as follows: Beginning at a point on the north line of Hinds Addition in Waverly, Iowa that is also the SW corner of the North 316.5 feet of the East 872.2 feet of the East 57 acres of the South half (S 1/2) of the SW quarter (SW ¼) of Section 26; Thence South 89 59'00" West 148.80 feet to the NW corner of Lot 7 of Hinds Addition in Waverly, Iowa: thence North 00 00'00" East 60.00 feet on the Northerly extension of the westerly line of Lot 7; thence North 89º59'00" East 148.80 feet to the west line of the East 871.20 feet of the East 57 acres of the South half (s 1/2)of the SW Quarter (SW 1/4) of Section 26; thence south 00 00'00" West 60.00 Feet: to the Point of Beginning; contains 0.20 acres. From A-1 to R-1.
671	6-19-95	A parcel of land located in the North one-half (N 1/2)of the NW quarter (NW 1/4) of Section 11, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, of Bremer County, Iowa Further Described as follows: Beginning at NE corner of the North one-half of the NW Quarter (NW 1/4) of Section 11; thence South 00° 27'05" East 292.50 feet along the east line of the North half of the NW quarter (NW 1/4) of Section 11; Thence South 89°26'30" West l80.00 feet parallel with the north line of the NW quarter (NW 1/4) of Section 11; Thence North 00°27'5" West 12.50 Feet; Thence South 89°26'30" West 676.00 feet; thence South 00°27'05" East 12.50 Feet Thence South 89°26'30" West l80.00 Feet; Thence North 00°27'05" West 292.5 Feet to the North line of the NW quarter (NW ¼) of Section 11; Thence North 89°26'30" East 916.25 feet to the Point of Beginning; contains 5.96 acres. From A-1 to R-1.
672	6-19-95	Beginning at a point that is North 7° 51' 16" East 1562.48 feet from the SW corner of the East 1/2 of the SW 1/4 of Section 3, Township 91 North, Range 14 West of the 5th P.M. Bremer County, Iowa said point of being at the SWerly corner of the Waverly Shell Rock School property; Thence North 90° 00' 00" East 829.76 feet along south line of said school property; hence South 9° 51' 51" West 220.94 feet; Thence South 77° 07' 09" East 78.20 feet; Thence South 15º 53' 51" West 125.00 feet; Thence South 2° 35' 22" West 127.67 feet;

Thence South 11°19'39" West 120.00 feet; Thence South 39° 35' 20" West 75.69 feet; Thence South 9°11'45" West 125.00 feet; Thence SWerly 574.81 feet along a curve concave SEerly having a radius of 838.46 feet and a delta angle of 39° 16' 45"; Thence South 41° 45' 30" West 81.88 feet; Thence North 72°09'11" West 221.11 feet; Thence northerly 118.43 feet along a curve concave Westerly having a radius of 404.39 feet and a delta angle of 16° 46' 48"; Thence North 0° 00' 00" East 643.15 feet; Thence South 89°49'00" East 64.03 feet; Thence North 0° 49' 00" East 118.06 feet to the Point of Beginning. Said parcel contains 16.54 acres. From A-1 to R-4.
NOTE: The south line of the SW 1/4 of Section 3,Township 91 North, Range 14 West was assumed to bear South 89° 48' 47" East for this description.

680 11-20-95 Beginning at the East right-of-way of Cedar Lane Road and the North line of the SE 1/4 of Section 35, Township 92 North, Range 14 West; thence East 160 feet on said North line; thence South 0° 57'45" East 1550 feet; thence West 350 feet; thence SWerly to a point 100 feet East of the NW corner of Lot 4 of Ashbury Addition; thence West to the NW corner of Lot 4 of Ashbury Addition; thence Northerly along the East right-of-way of Cedar Lane Road to the North line of the SE 1/4 of Section 35, Township 92 North, Range 14 West. From U-1 to R-1.

And

Commencing at the SE corner of Lot 1 in the Subdivision of the NE 1/4 of the NW 1/4 of Section Two (2), Township Ninety-one (91) North, Range Fourteen (14) West of the 5th P.M. in Waverly, Bremer County, Iowa, running thence

North 168 feet along the East line of said Lot 1, thence North 89°54' West 95.2 feet, thence North 65°09' West 130.5 feet to the center of the public road running through said Lot 1, thence in a SWerly direction along the center of said public road to the South line of said Lot 1,thence East on the South line of said Lot 1 West corner of the tract above described, running thence East along the South boundary line of said Lot 1 to the NE corner of Lot 3, Block 1, C.H. Russell's Addition to Waverly, Iowa, thence in a NWerly to a point in the center of said public road 100 feet NE of the point of beginning, thence in a SWerly direction in the center of said public road to the point of beginning, subject to public highway. From U-1 to R-1.
Commencing at a point 160 feet East of the intersection of the East right-of-way of Cedar Lane Road and the North line of the SE 1/4 Section 35 T92N, R14W; Thence East 440 feet to the NE corner of the Cemetery Lot in Section 35 Thence South 313.5 feet to the NE corner of Lot 9 of the Subdivision of the SE 1/4 Section 35 T92N, R14W; Thence South on the East line of said Lot 9 to the SE corner of said Lot 9; Thence West 440 feet on the South line of said Lot 9; Thence North to the point of beginning. From A-1 to R-1.

And

Lot 12 of the Subdivision SE 1/4 Section 35 T92, R14W, except the following parcel: Commencing at the NE corner of Lot 12 of Subdivision of SE 1/4; Thence South 275 feet on the East line of said Lot 12; Thence West 227 feet; Thence SWerly to a point 100 feet East of the NW corner of Lot 4 Ashbury Addition; Thence West 100 feet to the NW corner of Lot 12; Thence Northerly along the East Right of Way line of Cedar Lane Road to the North line of Lot 12; Thence East to the point of beginning. From A-1 to R-1.

687	5-20-96	A parcel of land located in a portion of the SW quarter Amended by Ordinance 698 (SW ¼) of Section 11, Township 11/18/96 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa and further described as follows: Beginning at a point on the North line of the SW quarter (SW ¼)of Section 11 that is North 88°51'00" East 841.17 feet from the NW corner of the SW quarter (SW ¼) of Section 11; thence North 88°51'00" East 602.93 feet along the North line of the SW Quarter (SW ¼) of Section 11; thence South 17°58'55" East 354.60 feet; thence South 00°12'00" West 756.44 feet; thence North 89°15'40" East 396.20 feet; thence South 00°48'00" East 357.81 feet; thence South 89°15'40" West 782.00' feet; thence North 77°53'09" West 122.19 feet; thence North 62°46'23" West 120.39 feet; thence South 33°39'22" West 100.41 feet; thence North 51°09'00" West 110.00 feet; thence South 38°51'00" West 34.37 feet; thence North 51°09'00" West 33.00 feet; thence North 38°51'00" East 287.12 feet; thence North 51°09'00" West 240.30 feet; thence NWerly 133.32 feet along a 300 foot radius curve concave Easterly and having a chord definition of North 38°25'06" West 132.23 feet; thence North 53°17'36" East 194.74 feet; thence North 11°07'17" East 183.71 feet; thence North 74°25'43" West 39.04 feet; thence North 00°14'00" West 193.78 feet; thence North 15°47'35" West 205.23 feet; thence South 82°22'00" East 155.47 feet; thence North 18°22'53" West 240.87 feet to the point of beginning; contains 27.0 acres. From A-1 to R-1. Note: The North line of the SW quarter (SW ¼) of section 11 was assumed to bear North 88°51'00" East for this description. A parcel of land located in a portion of the SW quarter (SW ¼) of Section 11, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa and further described as follows: Beginning at a point on the North line of the SW quarter (SW ¼) of Section 11 that is North 88°51'00" East 600.00 feet from the NW Corner of the SW quarter (SW ¼) of Section 11; thence North 88°51'00' East 241.17 feet along the North line of the SW quarter (SW ¼) of Section 11; thence South 18°22'53" East 240.87 feet; thence North 82°22'00" West 155.47 feet; thence South 15°47'35" East 205.23 feet; thence South 00°14'00" East 193.78 feet; thence South 74°25'43" East 39.04 feet; thence South 11°07'17" West 183.71 feet; thence South 53°17'36" West 194.74 feet; thence SEerly 133.32 feet along a 300 foot radius curve concave Easterly and having a chord definition of South 38°25'06" East 132.23 feet; thence South 51°09'00" East 240.30 feet; thence South 38°51'00" West 287.12 feet; thence North 51°09'00" West 33.00 feet; thence North 79°55'10" West 125.88 feet to the East line of the West 600 feet of the SW quarter SW ¼) of Section 11; thence North 00°13'30" West 1336.72 feet; to the point of beginning; contains 6.8 acres. From A-1 to R-3. Note: The North line of the SW quarter (SW 1/4) of Section 11 was assumed to bear North 88°51'00" East for this description.
689	6-20-96	North Half of Lot 1 in Block 3 in Willow Lawn's 1st Addition to Waverly, Iowa. (325 21st Street NW) From R3 to R4.

699	3-17-97	A Portion of the South One Half (S 1/2 of the NW Quarter (NW 1/4) of Section 11, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa further described: Beginning at a point of the north line of the south half (s1/2) of the NW Quarter (NW 1/4) of Section 11 that is north 89 02'26" east 27.54 feet: thence south 05 54'49" east 770.73 feet, thence SWerly 102.65 feet along a 965.00 foot radius curve concave northerly and having a chord definition of south 88 01'15" west 102.60 feet; thence north 00 19'35" west 769.73 feet to the point of beginning. A-1 to R-4. A Portion of the south one half (s1/2) of the NW quarter (NW1/4) of Section 11, Township 91 North, Range 14 West of the 5th P.M. in the City of Waverly, Bremer County, Iowa Further Described as follows: Beginning at a point of the north line of the south half (s1/2) of the NW quarter (NW 1/4) of Section 11 that is north 89 02'26" east 785.73 feet from the NW corner of the south half (s1/2) of the NW quarter (NW 1/4) of Section 11; thence North 89 02'26" east 305.27 feet; thence south 00 19'35" East 769.73 feet; thence NWerly 315.63feet along a 965.00 foot radius curve concave northerly and having a chord definition of the North 79 33'42"west 314.23 feet; thence NWerly 39.53 feet along a 25.00 foot radius curve concave NEerly and having a chord definition of north 24 53'44" west 35.54 feet; thence NEerly 302.31 feet along a 533.00 foot radius curve concave westerly and having a chord definition north 04 09'07" east 298.27 feet thence NWerly 43.70 feet along a 533.00 foot radius curve concave westerly and having a chord definition north 14 26'44" west 43.69 feet; thence NWerly 134.22 feet along a 467.00 foot radius curve concave easterly and having a chord definition north 08 03'37" west 133.76 feet; thence north 00 19'35" west 178.23 feet ; thence NEerly 38.99 feet along a 25.00 foot radius curve concave SEerly and having a chord definition north 44 21'26" east 35.16 feet; to the point of beginning. C-2 to R-4
706	12-15-97	The west three (3) rods of the west half (W1/2) of the SE quarter (SE 1/4) of the NE quarter (NE 1/4) of the SW quarter (SW 1/4) except the south fourteen (14) rods in width thereof; the west three (3) rods of a strip four (4) rods wide off the south side of the NE quarter (NE 1/4) of the NE quarter (NE1/4) of the SW quarter (SW 1/4); all that part of the north twenty-six (26) rods of the SE quarter (SE 1/4) of the NW quarter (NW 1/4) of the SW quarter (SW 1/4) lying and being east of the road running through the same; and the north Twenty-six (26) rods of the SW quarter (SW 1/4) of the NE quarter (NE 1/4) of the SW quarter (SW 1/4) all in section thirty-six (36), township ninety-two (92) north, Range fourteen (14) west of the 5th P.M. in Bremer County, Iowa , excepting therefrom a tract commencing at the SW corner of all that part of the north twenty-six (26) rods of the SE quarter (SE 1/4) of the NW quarter (NW 1/4) of the SW quarter (SW 1/4) of said section thirty-six (36), lying and being east of center line of the road running through the same, running thence east two hundred twenty-eight (228) feet, thence north one hundred forty-four (144) feet, thence west one hundred eighty-nine (189) feet to center line of said road, thence southerly along said centerline one hundred forty-eight (148) feet to place of beginning subject to public highways. A-1 to R-1.
707	12-15-97	N 1/2 of lots 3 and 4 in Southwick's Subdivision of the NE part of Lot 6 in the SE 1/4 of the SE 1/4 of Sec. 3, Twp 91N, Rge 14 W of the 5th P.M., in Waverly, Iowa. R-1 to R-3.
708	6-4-98	Lot Fourteen (14) in the NW 1/4 of Section 1, Township 91 North, Range 14 West of the 5th P.M., as shown in Plat Book "A" on page 20, Records of Bremer County, Iowa except public highway and except lands transferred to Iowa Department of Transportation by Doc. No. 19950121. A-1 to C-2

709	6-4-98	Commencing at the north quarter corner of Section 4 Township 91 North, Range 14 West of the 5th P.M; thence South 0 10'21" East 934.34 feet along the north-south Quarter Section Line to the Point of Beginning; thence North 89 58'00" East 1003.44 feet To the west Right-of-Way line of the 24th Street; thence South 0 24' 40" East 412.51 feet along said Right-of-Way to the North Line of Willow Lawn 4th Addition; thence South 89 58'00" West (Record Bearing) 1005.16 feet along said North Line to the Said Quarter Section Line and NW corner of Willow Lawn 4th Addition; thence North 0 10'21" West 412.50 feet along said Quarter Section Line to the Point of Beginning , containing 9.510 acres, subject to easements of record. R-3 to R-1
710	1-7-98	Commencing at the intersection of 17th Avenue SE and 11th Street SE. Thence; North Three Hundred (300) feet on the northerly extension of 11th Street SE. Thence: SEerly to a point on the west line of property described in Book 1983 page 1637 and Three Hundred and Ninety (390) feet north of the north right-of-way of 18th Avenue SE. thence; NEerly to a point on the west line of property described in Book 1997 page 3992 and Six Hundred and Fifteen (615) feet north of the north right-of-way of 18th Avenue SE. Thence: East to a point of the east line of said described property in Book 1997 page 3992 and Six Hundred and Fifteen (615) feet north of the North right-of-way of 18th Avenue SE. Thence: SEerly to the intersection of the centerline of 18th Avenue SE and the west line of the East 1/2 of Section 12 T91N-R14W of the 5th P.M. Thence; West on the centerline of 18th Avenue SE to the intersection with 11th Street SE Thence: North to the point of beginning.A-1 to R-1
713	2-11-98	Commencing at the SE corner of the SW1/4 of Section 27 township 92N, Range 14W, of the 5th P.M. Thence west to the SW corner of the SE 1/4 of the SW 1/4 of Section 27 township 92N range 14W; Thence North to a point 300 feet north of the east and west centerline of section 27, township 92N, range 14W; thence east 315 feet; thence north 200 feet; thence east 132.41 feet; thence north 163.7 feet; thence east to the north and south centerline of section 27, township 92N, range 14W; thence SWerly to the NE corner of Cedar Glyn Addition; thence SWerly 758.07 feet on the east line of Cedar Glyn Addition; thence SWerly 75.7 feet to the centerline of 12th Street NW; thence SEerly along the centerline of 12th Street NW to the point of beginning. A-1 to R-1.
716	5-3-99	Commencing at the South 1/4 corner of Section 26, Township 92 North, Range 14 West of the 5th P.M. Bremer County, Iowa; thence North 0 26 40 East 487.55 feet; Thence North 88 41 40 West 50.00 feet to the point of beginning, said point being on the West right of way line of Euclid Avenue; Thence North 88 41 40 West 64.38 feet; Thence North 50 53 00 West 100.00 feet to the Southerly corner of lot 26 in Hinds Addition; Thence North 39 07 00 East 109.80 feet to the Easterly corner of said lot 26; Thence South 89 35 15 East 73.84 feet along the extension of the South line of lot 27 in Hinds Addition; Thence South 0 26 35 West 149.22 feet along the right of way line to the point of beginning. Said parcel contains 0.36 acres. Note: The Easterly line of Lot 26 in Hinds Addition was assumed to bear South 39 07 00 West for this description. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residential District. Description parcel B.
724	6-21-99	A portion of the SW quarter SW 1/4)of section 11, township 91 North range 14 West of the 5th P.M. in the City of Waverly, Bremer County Iowa further described as follows: Beginning at a point on the North line of the SW quarter (SW 1/4) of

		section 11 that is North 88° 51'00" East 1340.18 feet from the NW corner of the SW quarter (SW 1/4) of section 11; Thence North 88° 51'00" East 1287.12 feet to the NE corner of the SW quarter (SW 1/4) of section 11; Thence South 00° 27'54" East 2662.06 feet to the SE corner of the SW quarter(SW 1/4) of section 11; Thence South 89° 14'59" West 1691.22 feet along the South line of the SW quarter (SW 1/4) of section 11; Thence North 00° 44'31" West 533.00 feet; Thence South 89°14'54" West 542.19 feet to a point 400 feet East of the West line of the SW quarter (SW 1/4) of section 11; Thence North 00° 13'30" West 781.55 feet parallel with the West line of the SW quarter(SW 1/4) of section 11; Thence South 89°44' 32" East 200.00 feet to a point 600 feet from the West line of the SW quarter (SW 1/4) of section 11; Thence North 00° 13'30" West 551.25 feet parallel with the West line of the SW quarter (SW 1/4) of section 11; Thence North 89° 46'30" East 217.76 feet; Thence South 51° 45'33" East 290.54 feet; Thence South 51°09'08" East 186.05 feet; Thence North 89° 15'40" East 288.00 feet; Thence North 27° 33'27" East 149.82 feet; Thence North 00° 12'00" East 624.50 feet; Thence North 32° 28' 45" West 397.34 feet to the point of beginning. And the SW quarter (SW 1/4) of the SE quarter (SE 1/4)of section 11, township 91 North Range 14 West of the 5th P.M. And NW quarter (NW 1/4) of the SE quarter (SE 1/4) and the South one-half of the SW quarter (SW 1/4) of the NE quarter of section 11, township 91 North Range 14 West of the 5th P.M. And all that part of the NE quarter (NE 1/4) of the SE quarter (SE 1/4) of section 11, township 91 North Range 14 West of the 5th P.M. Lying South of a line commencing 722.42 feet South of the NE corner thereof and running South 89° 45' 10" West 1323.90 feet to the West line of the said NE quarter (NE 1/4) SE quarter (SE 1/4). Requested Annexation and zoning: PDSE quarter (SE 1/4) of the SE quarter (SE 1/4) of Section 11, township 91 North Range 14 West of the 5th P.M. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residence District and R-3, Multi Family Residence District to PD, Planned Development.
729	8-16-98	A Parcel of land located in a portion of lots 3 and 5 in the subdivision of the SW quarter (SW 1/4) of section 01 township 91 North, range 14 West of the 5th P.M. in the City of Waverly of Bremer County, Iowa and further described as follows: Commencing at the center of section 1; Thence South 00°06’45” West 76.34 feet along the East line of the SW quarter (SW 1/4) of section 1; Thence North 89°53’15” West 885.57 feet to a point on the SWerly right of way line of primary highway No. Iowa 3, the point of beginning; Thence South 56°04’31” East 201.67 feet, along the SWerly right of way line of primary highway No. Iowa 3; Thence South 55°10’18” East 178.33 feet; along the SWerly right of way line of primary highway No. Iowa 3, Thence South 51°10’13” West 250.00 feet; Thence North 89°33’20” West 575.00 feet to the West line of said lot 3; Thence North 00°17’16” West 129.38 feet along the West line of said lot 3; Thence North 00°52’00” East 262.27 feet, along the West line of said lot 3; Thence North 36°47’07” East 180.00 feet, to the SWerly right of way line of primary highway No. Iowa 3; Thence South 61°58’06” East 312.70 along the SWerly right of way line of primary highway No. Iowa 3, Thence North 34°18’37” East 19.74 feet along the SEerly right of way line of primary highway No. Iowa 3; Thence South 56°04’31” East 69.00 feet point of beginning; contains 6.29 acres. `Note: The East line of the SW quarter (SW 1/4) of section 01 was assumed to bear South 00°06’45” West for this description. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residence District.

730	10-4-99	Commencing at the NW corner of the NE 1/4 of the NW 1.4 of section 10 township 91 North, range 14 West of the 5th P.M.; Thence East on the North line of section 10, township 91 North range 114 West of the 5th P.M. 1,554.85 feet; Thence South 426.25 feet; Thence West 213.05 feet; Thence North 91.25 feet; Thence West 412 feet; Thence North 5 feet; Thence West 264 feet; Thence South 657.9 feet; Thence West 660.6 feet to the center of 16th Street SW; Thence North to the point of beginning. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residence District.
732	10-4-99	A parcel of land lying within the SW quarter of section 36, township 92 North, range 14 West of the 5th P.M. Bremer County, Iowa. More particularly described as follows: Beginning at the SW corner of Fairholm Addition to the City of Waverly, Bremer County, Iowa; thence South 89°26'25" West, along the South line of the NE quarter of the NW quarter of said SW quarter, 186.36 feet; thence North 0°33'35" West, 351.54 feet; thence North 16°31'38" East, 322.26 feet, to the North line of said SW quarter; thence North 89°36'23" East, along said North line, 109.88 feet; thence South 0°28'17" East, 112.00 feet; thence North 89°37'32" East, 150.04 feet, to the West line of said Fairholm Addition and the centerline of Bremer Road (Bremer County Road C38); thence South 16°31'38" West, along said West line and said centerline, 572.02 feet, to the point of beginning. Said parcel contains 3.60 acres including 0.66 acre of Bremer County Road easement. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residence District.
739	11-19-01	A part of the East 114 acres of the NW quarter (NW ¼) of Section Thirty-five (35), Township Ninety-two (92) North, Range Fourteen (14) West of the 5th P.M., described as follows: Commencing at the North quarter (N ¼) corner of said Section 35, then South 31°16'45" West 1471.27 feet, thence North 89°55'05" West 59.10 feet to the point of beginning, said point being on a line 1261.00 feet south of and parallel to the North line of the NW ¼ of said Section 35, running thence North 89°55'05" West 570.55 feet, thence North 0°22'05" West 515.00 feet, thence South 89°55'05" East 886.45 feet on a line 746 feet South of and parallel to the North line of said NW ¼ to the West right-of-way line of County Road V-14, thence SWerly along said West right-of-way line 601.97 feet to the point of beginning. From A-1 to R-4.
747	9-18-00	All roads or streets in the sub-division of that part of the West Quarter (W ¼) of NW Quarter (NW ¼) of SW Quarter (SW ¼) of Section 1, Township 91 North, Range 14 West of the 5th P.M., lying North of the C.G.W. Railway right-of-way as shown by plat recorded in Plat Book G, page 60, of the records of Bremer County, Iowa, said streets being more particularly described as follows: Beginning at the NE corner of Lot Five (5) in said sub-division; thence North 50 feet; thence west 313.5 feet; thence South 352.84 feet; thence SEerly to the NW corner of Lot Nine (9) in said sub-division; thence East 260 Feet to the NE corner of said Lot Nine (9); thence North 50 feet to the SE corner of Lot Eight (8) in said sub-division; thence West to the SW corner of Lot One (1) in said sub-division; thence North to the NW corner of Lot Four (4) thereof; thence East to point of beginning. Rezoned from its present classification of A-1, Agricultural District to R-1, One Family Residence District.

750	11-20-00	That part of the East Fifty-seven (57) acres of the South One-half (S ½) of the SW Quarter (SW ¼) of Section Twenty-six (26), Township Ninety-two North (T92N), Range Fourteen West (R14W) of the 5th Principal Meridian, City of Waverly, Bremer County, Iowa, described as follows: Commencing at the SE corner of the SW Quarter (SW ¼) of said Section Twenty-six (26); thence West One Hundred (100) feet along the South line of said SW Quarter (SW ¼) to the West line of former County Highway No. V14, now Euclid Avenue, and point of beginning; thence N08°50'37"E Three Hundred Twenty-four and Sixty-seven Hundredths (324.67) feet along said West line; thence N00°26'35"E along said West line One Hundred Sixty-seven and Thirty-nine Hundredths (167.39) feet to the SE corner of Parcel "B" of said SW Quarter (SW ¼), document 19992396; thence N88°41'40"W Sixty-four and Thirty-eight Hundredths (64.38) feet to the SW corner of said Parcel "B"; thence N50°53'00"W One Hundred (100) feet to the East corner of Lot 25, Hinds Addition; thence S39°07'00"W Three Hundred Eighty-four and Eighty-six Hundredths (384.86) feet to the SE corner of Lot 23 in said Hinds Addition; thence S89°59'W Two Hundred Nineteen and five hundredths (219.05) feet along the South Line of Said Hinds Addition to the SW corner of Lot 22; thence s00 00' 00'E Two Hundred Fifty-one and seven 10ths (251.70) feet to the South Line of said SW Quarter (SW ¼); thence East Five Hundred Fifty-one and Seventy-nine Hundredths (551.79) feet to the point of beginning, containing 4.95 acres from A-1 to R-4. That part of the East fifty-seven acres of the South One-half (S1/2) of the SW Quarter (SW1/4) of Section Twenty-six (26), Township Ninety-two North (T92N), Range Fourteen West (R14W) of the 5th Principal Meridian, City of Waverly, Bremer County, Iowa, described as follows: Beginning at the SW corner of Lot Twenty-two (22), Hinds Addition, Waverly; thence S89 59'W Nine Hundred Thirty-four (934) feet to the SW corner of said Hinds 2nd Addition; thence N00 04'55"W Four Hundred Fifty-seven (457.00) feet to the NW corner of said Hinds 2nd Addition; thence S89 44'35"E Three Hundred Sixty (360.00) feet to the SW corner of Lot 8, Hinds Addition; thence N00 00' 00"E One Hundred Sixty (160.00) feet to the NW corner of said Lot 8: thence N89 59'E Two Hundred Six (206.00) feet along the North line and its Easterly extension of said Lot 8; thence N00 00'E Two Hundred Ten (210.00) feet to the NW corner of Parcel "A" of said SW Quarter (SW ¼); thence S89 59' 00"E One Hundred Forty-eight and Eight 10ths (148.80) feet to the NE corner of said Parcel "A", said point being on the West line of the East Eight Hundred Seventy-one and Two 10ths (871.2) feet of said SW Quarter (SW ¼); thence North along said West line to a point which is Sixteen and One-half (16.50) feet South of the North line of the South one-half (S1/2) of said SW Quarter (SW ¼); thence West One Thousand Twenty-four and four Hundredths (1,024.04) feet to the West line of the East 57 acres of the South One-half (S ½) of said SW Quarter (SW1/4); thence South along said West line One Thousand Three Hundred Seventeen and Thirty-five Hundredths (1,317.35) feet to the South line of said SW Quarter (SW ¼); thence East One Thousand Two Hundred Thirty-one and Eighty-eight hundredths (1,231.88) feet along said South line; thence North Two Hundred Fifty-one and Seven 10ths (251.70) feet to the point of beginning, containing 22.46 acres.
756	2-19-01	The South one-half of Lots 1 and 2, Block 29 in Harmon and Le-Valley's Addition. From R-4 to C-3.
759	5-7-01	All That Part of the NW Quarter (NW1/4) of the NE Quarter (NE1/4) of Section 12, Township 91 North, Range 14 West of the 5th P. M. in the City of Waverly, Bremer

		County, Iowa, Which lies North and East of the Center of the Cedar River and also lies South and West of the Right of Way of the Former Chicago NWern Transportation Company (Now Owned by the City of Waverly) Excepting There from any Area Zoned U-1. From M-2 to A-1.
760	5-21-01	Boundary A: The North 252.88 feet of the South 950.50 feet of the East ¾ of the NW ¼, of the SW ¼ of Section 1, Township 91 North, Range 14 West of the 5th P. M. Boundary B: Subdivision of part of the North ½, SW ¼, and SW ¼ of Section 1, Township 91 North, Range 14 West of the 5th P. M. (Fisher) Boundary E: Beginning at the SE corner of the West ½ of the NE ¼ of the SE ¼ of the SE ¼ of Section 2, Township 91 North, Range 14 West of the 5th P.M.; Thence west 270.00 feet on the South line of the NW ¼ of the SE ¼ of the SE ¼ of said Section 2; Thence NWerly to a point 500.00 feet West and 500.00 feet North of the SE corner of the West ½ of the NE ¼ of the SE ¼ of the SE ¼ of said Section 2; Thence NEerly to a point 654.92 feet West and 285.21 feet North of the NE corner of the SE ¼ of the SE ¼ of Section 2, Township 91 North, Range 14 West of the 5th P.M.; Thence South 82º57'5" East 470.00 feet to the South right-of-way line of the Waverly Rail Trail; Thence SEerly along the South right-of-way to the NW corner of the subdivision of part of the North ½ of the SW ¼ of the SW ¼ of said Section 1; Thence South on the East right-of-way line of 12th Street SE to the South right-of-way line of 8th Avenue SE; Thence West to the Point of Beginning. A-1 to R-1Boundary Commencing at a point where the East line of the NE ¼ of the SE ¼ of Section 2, Township 91 North, Range 14 West crosses the North line of the Waverly Rail Trail, formerly the Chicago and NWern Transportation Company; Thence Northerly along said East line of Section 2 a distance of 417.55 feet; Thence South 75º45' West 222.42 feet; Thence SWerly at right angles to the track at a distance of 75 feet to the North right-of-way line of the Waverly Rail Trail; Thence SEerly parallel with said original main track centerline to a point on the East line of said Section 2. Boundary D: Beginning at a point East 0º15'0" North 282.7 feet and West 82º03'20" North 158.7 feet of the NE corner of the SE ¼ of the SE ¼ of Section 2, Township 91 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County. This point lying on the South right-of-way line of the Waverly Rail Trail, formerly the Chicago and NWern Transportation Company; Thence North 82º 57'05" West 470.0 feet; Thence NWerly approximately 332.0 feet to a point on the South right-of-way line of the Waverly Rail Trail; Thence SEerly on said right-of-way line 447.0 feet to the Point of Beginning. U-1 to R-1
767	8-20-01	A parcel of land located in outlot "X" of Stone Haven Plat – 1 located in the S ½ of the NW ¼ of Section 11, Township 91, Range 14 West of the 5th P.M. in Waverly, Bremer County, Iowa, and further described as follows: Beginning at the SE corner of Lot 8 of Stone Haven Plat – 1; Thence North 05°54'49" west 770.73 feet to the NE corner of Lot 7 of Stone Haven Plat – 1; Thence North 89°02'26: East 888.65 Feet to the NW corner of Lot "C"; Thence South 01°08"45' East 473.85 feet along the west line of Lot "C"; Thence SWerly 203.59 feet along a 315.00 foot radius curve concave southerly and having a chord definition of South 64°12' 15" West 200.07 feet; Thence SWerly 809.04 feet along a 1035.00 Foot Radius Curve, Concave Northerly and having a chord definition of south 68°04'55" West 788.60 feet to the SE corner of Lot "E"; Thence north 00°19'43" west 70.02 feet to the NE corner of Lot "E"; Thence NEerly 93.65 feet along a 965.00 foot radius curve, concave northerly and having a chord definition of north 87°45'13" east 93.61 feet to the point of beginning, containing 13.78 acres. NOTE: The east line of lots 7 and 8 of Stone

		Haven Plat-1 were assumed to bear north 05°54'49" west for this description. A-1 to R-4.
771	11-19-01	Lot 7 in the Subdivision of the SE1/4 of the NE ¼ in Section 2, T91N, R14W of the 5th P.M., except the south 140 feet thereof and except the North 16 feet thereof used for road purposes. 202 9th Street SE The West 117.5 feet if the East 134 feet of Lot 7 in the Subdivision of the SE ¼ of the NE ¼ in Section 2, T91N, R14W of the 5th P.M., except the south 140 feet thereof and except the North 16 feet thereof used for road purposes. 906 1st Avenue SE The West 50 feet of the East 184 feet of Lot 7, Except the South 140 feet thereof and except the North 16 feet thereof used for road purposes, in the Subdivision of the SE ¼ of the NE ¼ in Section 2, T91N, R14W of the 5th P.M. 902 1st Avenue SE The West 50 feet of the East 234 feet of Lot 7, except the South 140 feet thereof and except the North 16 feet thereof used for road purposes, in the Subdivision of the SE ¼ of the NE ¼ in Section 2, T91N, R14W of the 5th P.M. 900 1st Avenue SE The West 50 feet of the East 284 feet of Lot 7, except the South 140 feet thereof and except the North 16 feet thereof used for road purposes, in the Subdivision of the SE ¼ of the NE ¼ in Section 2, T91N, R14W of the 5th P.M. 816 1st Avenue SE Lot 7 except the East 284 feet thereof, except the South 140 feet thereof and except the North 16 feet thereof used for road purposes, in the Subdivision of the SE ¼ of the NE ¼ in Section 2, T91N, R14W of the 5th P.M. From M-2 to R-2
773	11-19-01	The South 92 feet of Lots 5, 6 and 7, and the West 4 feet and the South 92 feet of Lot 8; all in Block 47 of Harmon and LeValley's Addition of Bremer County, Waverly, Iowa. From C-3 to C-2A.
778	1-21-01	The South 140 feet of lot 7 except the East 284 feet thereof, in the Subdivision of the SE¼ of the NE¼ in Section 2, T91N, R14W, of the 5th P.M. From M2 to R2
781	2-25-02	A strip 300 feet wide parallel to, adjacent to, and north of the north right of way line of 10th Avenue SW. Beginning in the east at the City drainage easement line, west to the east right of way of 16th Street SW. A strip 300 feet wide parallel to, adjacent to and east of the east right of way line of 16th Street SW from 10th Avenue SW to the SW property line of Lot 26, Rolling Meadow Subdivision. From A1 to C2
782	4-1-02	The North ½ of the NW Fractional ¼, Section 7, T91N, R13W, Waverly, Bremer County, Iowa, except the following: The West 233.00 feet thereof, and also the part of the NWfr¼ of Sec. 7, T91N, R13 of the 5th P.M., Bremer County, Iowa, described as beginning at a point on the North line of said NWfr¼ which is 1163.50 feet East of the NW corner of said section 7; thence South at right angles 300.00 feet; thence East at right angles 110.00 feet; thence North 300 feet to the North line of said NWfr¼; thence West 110.00 feet to the point of beginning, except presently established highway along the North side thereof, and also commencing at the NW Corner of said Sec. 7, T91N, R13W; thence N88°35'30"E, 233.00 feet along the north line of the NW Fr¼ of said Sec. 7 to a point on the east line of the west 233.00 feet of the N fr½ of the NW¼ of said Sec. 7, thence S00°07'37"W, 61.32 feet along said line to a point on the existing southerly right-of-way line of Primary Road No. Iowa 3, the Point of beginning; thence S89°10'54"E, 748.79 feet; thence S89°21'53"E, 194.04 feet to a point on the west line of a Tract described in a Warranty Deed and recorded in Document #19861319 of the Bremer County Recorder; thence N01°24'30"W, 35.45 feet along said line to a point on the said existing southerly right-of-way line; thence

		S88°37’34”W, 942.14 feet along said line to the Point of Beginning; containing 16,930 square feet, more or less, and also Commencing at the N ¼ Corner of said Sec.7 T91N, R13W; thence S88° 35’30”W, 1020.24 feet (record 1020.00 feet) along the north line of the NW Fr¼ of said Sec. 7 to a point on the west line of the east 1020.00 feet of said NW Fr¼; thence S01°25’58”E, 61.82 feet along said line to a point on the existing southerly right-of-way line of Primary Road No. Iowa 3, the Point of Beginning; thence continuing S01°25’58”E, 63.23 feet; thence N89°11’38”W, 128.03 feet; thence N88°38’38”W, 370.03 feet to a point on the east line of a Tract described in a Warranty Deed and recorded in Document #19861319 of the Bremer County Recorder; thence N01°24’30”W, 40.39 feet along said line to a point on said existing southerly right-of-way line; thence N88°35’09”E, 497.51 feet along said line to the Point of Beginning; containing 26,005 square feet, more or less, and also commencing at the N¼ Corner of Sec. 7, T91N, R13W; thence S00°09’20”E, 327.60 feet along the east line of said NW ¼; thence S88° 34’56”W, 33.15 feet, to the existing westerly right-of-way line of local road, the Point of beginning; thence S00°13’18”E, 125.88 feet, along said westerly right-of-way line; thence S89° 50’40”W, 17.00 feet; thence N00° 09’20”W, 125.25 feet, thence N88 34’56”E, 16.86 feet, to the Point of Beginning; containing 2,128 square feet, more or less, and also The East 1020.00 feet of the North 326.00 feet of the N1/2 of the NW Fractional ¼, Section 7-91-13, Waverly, Bremer County, Iowa, and also excepting therefrom all legal highways. From R-1, C-2, P-D, R-FBH, to R-1, R-2, R-4, C-2
784	7-1-02	The North 330 feet of the NE¼ of the SW¼ of Section 34, Township 92 North, Range 14 West of the 5th P.M., except the following: Beginning at the Center of said Section 34, thence South 89º41’20” West 360 feet, thence South 0º53’55” West 330.53 feet, thence North 89º41’20” East 367.00 feet, thence North 330.00 feet to the point of beginning. From A1 to R1
785	7-1-02	Area 1: All of Block 55 and Block 68, Lots 1, 2 & 3 of Block 67, Lots 1, 2, 3, & 4 of Block 56, all in Knott’s Addition of Bremer County, Waverly, Iowa. Area 2: All of Block 41, All of Fractional Block 1 which lies North of 6th Avenue NW and South of Railroad Right-of-Way, all in Harmon and LeValley’s Addition; and also Lots 5, 6, 7, & 8 of Block 11, Lots 6, 7, & 8 of Block 12, in J.J. Smith Addition, all in Bremer County, Waverly, Iowa. From M-1 to R-2
786	9-16-02	Block 2 Lots 1-3 and 16-22 and Block 5, Lots 1-11, all in East Waverly Addition of Bremer County, Waverly, Iowa. From M-2 and C-2 to R-2
792	12-2-02	Description - Waverly-Shell Rock Community School District Lot 1 in the Subdivision of the SW¼ of Section 36, Township 92 N, Range 14 W of the of the 5th P.M., and all that part of the SW¼ of SW¼ of said Section 36, lying South of said Lot 1 and West of Public Road; Lots 4 and 5 in Subdivision of the SE¼ of Section 35, Township 92 N, Range 14 W of the 5th P.M.; Lots 1, 2, and 3, and Lot 11 except the South 280.25 ft. thereof, which is included as a part of the Plat of Maple Hills Addition to Waverly, Iowa, in Cretzmeyer’s Sub-division of NE¼ of NE¼ of Section 2, Township 91 N, Range 14 W of the 5th P.M., as shown by plat in Book C of Deeds on page 245, except the following: Commencing at a point 220.57 ft. North and 32.82 ft. East of the SE corner of Section 35, Township 92 N, Range 14 W of the 5th P.M. said point being on the West line of County Road; thence SWerly on West line of said road 408.37 feet

		along a 1,004.90 foot radius curve; thence S 0˚00'00" 19.70 ft.; thence N 73˚53'00" W 187.21 ft.; thence N 0˚00'00" 466 ft.; thence S 69˚52'30" E 282 ft. to the point of beginning, except public highway, and subject to easements of record. Rezoning of NE property A-1 to R-1 (This area is along Bremer Road.)
793	12-2-02	All property bounded in turn from the NW by Rolling Meadow Subdivision, Waverly Shell Rock School District, Cedar River Railroad, City of Waverly, 10th Avenue, Security State Bank Subdivision, and 16th Street except a strip of land 200 feet wide parallel and immediately north of 10th Avenue which will remain C-2. REZONE TO R-4 (From A-1 & C-2)
794	12-2-02	Description of the Properties Proposed to be Rezoned: 4th Street SE, Waverly - Block 10, Lot 1 in the Original Town of Waverly and also Block F6, Lot 4 in Cretzmeyer's Addition, all in Bremer County, Waverly, Iowa. C-3 to R-4
795	1-6-03	All of Block 7, and that part of Block 8 West of the Waverly Rail Trail, all in the Original Town of Waverly, Bremer County, Waverly, Iowa. C-3 to R-4
801	4-7-03	10th Street NE (Bremer Road) and 5th Avenue NE - All the property bounded in turn from west right-of-way of 10th Street NE – Bremer Road, the south line of Section 35 and the Waverly-Shell Rock Community School District Property, Bremer County, Waverly, Iowa. A-1 to R-1
802	4-7-03	East of 12th Street NE Along East Bremer Avenue - All of lot 19 of the subdivision of the NW ¼ of Section 1, Township 91 N, Range 14 W of the 5th P.M., Bremer County, Waverly, Iowa; except for the following: Beginning at the NW corner of lot 19 of said subdivision, thence East 35.20 feet along the north line of lot 19, thence South 3°55'45" West 257.84 feet along a line if extended would intersect the SW corner of said lot 19, thence South 88°46'20" West 34.16 feet to the west line of lot 19, thence North along the west line of lot 19 to the point of beginning. And also, A portion of lots 7 and 8 of the subdivision of the NW ¼ of Section 1, Township 91 N, Range 14 W of the 5th P.M., Bremer County, Waverly, Iowa, described as follows: Beginning at a point 340 feet South of the NW corner of lot 7 of said subdivision, thence North 340 feet to said NW corner, thence East along the north lines of lots 7 and 8 to the NE corner of said lot 8, thence South 400 feet along the east line of lot 8, thence in a NWerly direction to the point of beginning. And also, A portion of lot 6 of the subdivision of the NW ¼ of Section 1, Township 91 N, Range 14 W of the 5th P.M., Bremer County, Waverly, Iowa, described as follows: Beginning at the NE corner of lot 6 of said subdivision, thence South 388.4 feet along the East line of lot 6, thence North 71°56'20" West 347.24 feet to the west line of lot 6, thence North along the west line of lot 6 to the NW corner of lot 6, thence East along the north line of lot 6 to the point of beginning. And also, A portion of lot 10 of the subdivision of the NW ¼ of Section 1, Township 91 N, Range 14 W of the 5th P.M., Bremer County, Waverly, Iowa, except the following: That part of lot 10 of said subdivision south of Iowa Highway 3 and that part of lot 10 north of a line described as follows; Beginning at a point 259.98 feet south along the easterly line of the intersection of the north line of said lot 10 with the easterly line of the westerly 65 feet of said lot 10, thence South 88°46'20" West 411.63 feet. A-1 to R-1

805	4-21-03	Description – Wartburg College The east-half of Block 65 of Harmon and Levalle's Addition. R-2 to R-3
809	6-16-03	R-I (Single Family) THAT PART OF LOT 20 IN THE SUBDIVISION OF THE NW FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN, BREMER COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNINIG AT THE NE CORNER OF LOT 12 OF THE SUBDIVISION OF SAID NW FRACTIONAL ¼, WHICH IS ALSO THE NE CORNER OF BRIDLE SPUR ESTATES; THENCE N 89°33'39" W ALONG THE NORTH LINE OF SAID BRIDLE SPUR ESTATES 479.87 FEET; THENCE N 01°10'52" W 186.25 FEET; THENCE N 25°23'03" E 67.08 FEET; THENCE N 01°10'52" W 378.25 FEET TO THE NORTH LINE OF THE SOUTH 38 ACRES OF LOT 20; THENCE 89°11'26" E ALONG SAID NORTH LINE 1108.33 FEET; THENCE S 00°48'29" W 180.02 FEET; THENCE S 25°51'31" E 67.14 FEET; THENCE S 01°10'52" W 249.94 FEET; THENCE S 29°22'48" E 157.57 FEET; THENCE S 01°10'52" 225.91 FEET TO THE SOUTH LINE OF LOT 16 IN THE SUBDIVISION OF SAID SECTION; THENCE N 89°06'05" W 711.92 FEET TO THE SW CORNER OF SAID LOT 16; THENCE N 01°35'10" E 229.43 FEET TO THE POINT OF BEGINNING, CONTAINING 12.345 ACRES, MORE OR LESS
811	6-23-03	Lot 3 and Lot 4, all in Block 10 of the Original Town of Waverly, Bremer County, Waverly, Iowa C-3 to R-4
813	7-21-03	PART OF THE SOUTH HALF OF THE NW QUARTER OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF WAVERLY, BREMER COUNTY, IOWA, BOUNDED AS FOLLOWS: ON THE EAST BY THE EAST LINE OF THE SOUTH HALF OF THE NW QUARTER OF SAID SECTION 11; ON THE SOUTH BY THE SOUTH LINE OF THE SOUTH HALF OF THE NW QUARTER OF SAID SECTION 11; ON THE WEST BY A LINE 1091 FEET EAST OF THE WEST LINE OF THE SOUTH HALF OF THE NW QUARTER OF SAID SECTION 11; ON THE NORTH BY THE SOUTHERLY AND EASTERLY RIGHT-OF-WAY LINES OF 16TH AVENUE SW, THE EAST LINE OF LOT 15, STONE HAVEN PLAT III, THE EAST LINE OF THAT PART OF LOT 14, STONE HAVEN PLAT III LYING SOUTH OF THE SOUTHERLY LINE OF LOT "C", STONE HAVEN PLAT III, AND THE SOUTHERLY BOUNDARY OF LOT "C", STONE HAVEN PLAT III. A-1 to R-3
817	9-22-03	**Beginning at the NW corner of the SW Quarter of the NW Quarter (SW1/4, NW1/4) of Section 01; Thence North 89°26'08" East 173.45 feet; Thence North 40° 03'29" 138.82 feet to the North line of Lot 14 of the subdivision of the NW Quarter (NW1/4); Thence along the North line of Lot 14 South 51°20'43" East 162.89 feet to the NE corner of Lot 14; Thence South 17°18'27" West 219.55 feet to the North line of the IDOT Excess Land Abandonment recorded as Doc. No. 2000-4995; Thence South 49°16'39" East 308.79 feet along the North line of IDOT Excess Land Abandonment; Thence North 60°08'58" West 417**

.32 feet along the South line of the IDOT Excess Land Abandonment; Thence North 45°12'35" West 50.17 feet; Thence North 45°12'35" West 167.53 feet; Thence North 43°58'57" West 60.81 feet to the Point of Beginning; Contains 1.73 acres.
NOTE: The West line of the NW Quarter (NW1/4) of Section 01, Township 91 North, Range 14 West of the 5th P.M. was assumed to bear North 00°00'00" West for these descriptions. C-2 to R-2

821 1-5-04 Lot 3 in Block 11, except the railroad, in J.J. Smith's Addition, Bremer County, Waverly, Iowa. (Around 7th Avenue NW) M-1 to R-3.

822 1-5-04 The South 132 feet of the East 198 feet in Lot 3, in the Subdivision of Part of the SE¼ of Section 2, Bremer County, Waverly, Iowa. C-2 to R-1
Lot 6 and the North ½ of Lot 5, all in Block 9, Sturdervant's Addition, Bremer County, Waverly, Iowa. C-2 to R-2
Lots 1, 2, and 3, except the South 132 feet of the East 198 feet of Lot 3, in the Subdivision of Part of the SE ¼ of Section 2; and Lots 3 and 4 of Block 10, Sturdevant's Addition; and the South ½ of Lot 5 of Block 9, Sturdevant's Addition; all in Bremer County, Waverly, Iowa. C-2 to C-2A

831 5-17-04 A parcel of land lying within the Southwest Quarter of Section 36 and the Southeast Quarter of Section 35, Township 92 North, Range 14 West of the 5th P.M., Bremer County, Iowa. Described as follows:
The Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 36, except the East 4 acres thereof; Lot 1 and the North 10 chains of Lot 7 and the North 1.11 chains of Lot 6, all in the subdivision of the Southeast Quarter of Section 35 as shown by plat recorded in Plat Book A page 24, all of the above being in Township 92 North, Range 14 West of the 5th P.M. More particularly described as follows:

Beginning at the West Quarter Corner of said Section 36: Thence North 89°36'09" East along the North line of said Southwest Quarter, 396.43 feet to the Northwest Corner of the East 4 acres of said Northwest Quarter of the Northwest Quarter of the Southwest Quarter; thence South 0°10'49" East along the West line of said 4 acres, 661.76 feet to the Southwest Corner of said East 4 acres; thence South 89°30'07" West along the South line of said Northwest Quarter of the Northwest Quarter of the Southwest Quarter, 397.55 feet to the Southeast Corner of said North 1.11 chains of Lot 6; thence South 89°43'10" West along the South line of said North 1.11 chains of Lot 6, 740.08 feet to the Southwest Corner of said North 1.11 chains of Lot 6, thence North 02°26'31" East along the West Line of said north 1.11 chains of Lot 6, 1.67 feet to the Southeast Corner of said North 10 chains of Lot 7; thence South 89°37'57" West along the South line of said North 10 chains of Lot 7, 247.63 feet to the Southwest Corner of said North 10 chains of Lot 7; thence North 00°15'44" West along the West Line of said Lot 7, 660.02 feet to the Northwest Corner of said Lot 7 and the Southwest Corner of Murphy's 3rd Addition to Waverly, Iowa; thence North 89°39'11" East along the North lines of said lots 7 and 1 and the South line of Murphy's 3rd Addition to Waverly, IA, 989.70 feet to the Point of Beginning and the Northeast Corner of said Lot 1 and the Southeast Corner of Murphy's 3rd Addition to Waverly, Iowa. Said parcel contains 21.05 acres. This area is the property south of Murphy Addition. A-1 to R-1

The following was provided in Commonwealth Land Title Insurance Company Commitment Number T-0481176, Effective date June 29, 2004, at 8:00 a.m., Schedule A.

Commencing 300 feet S of the NE corner of the SE 1/4 of Section 10, Township 91 North, Range 14 West of the 5th P.M., running thence S 100 feet, thence W 350 feet, thence N 100 feet, thence E 350 feet to the place of beginning, except lands conveyed to the State of Iowa in Warranty Deed, Document No. 19910310 recorded in the Office of the Recorder of Bremer County, Iowa.

Property Owner: Walker Auto Salvage, Inc.

The following were provided in Commonwealth Land Title Insurance Company Commitment Number T-0481177, Effective date June 29, 2004, at 8:00 a.m., Schedule A.

Beginning at a point that is West 469.58 feet and North 0°16'50" West 458.00 feet from the Southeast corner of Section 10, Township 91 North, Range 14 West of the 5th P.M.; thence North 90°00'00" West 1,465.80 feet to the East right of way line of the Cedar River Railroad; thence North 1°49'50" West 465.27 feet along said East right-of-way line; thence South 89°58'30" East 1477.90 feet to a point 469.58 feet West of and parallel to the South line of the Southeast Quarter of said Section 10; thence South 0°16'50" East 464.80 feet to the point of beginning.

The North 400 feet of all that part of the South One-half (S1/2) of the Southeast Quarter (SE1/4), Section 10, Township 91 North, Range 14 West of the 5th P.M. lying and being on the East side of the Cedar River Railroad right-of-way running through the same, except the East 350 feet of the South 100 feet thereof.

Property Owner: Tri-B LTD

The following were provided in Commonwealth Land Title Insurance Company Commitment Number T-0481178, Effective date June 29, 2004, at 8:00 a.m., Schedule A.

Beginning on Section line at a point 728.40 feet West of the SE corner of Section 10, Township 91 North, Range 14 West of the 5th P.M., running thence North 458 feet, thence West 1205.80 feet to the East right-of-way line of the Illinois Central Gulf Railroad, thence South along said East right-of-way line to the South line of said Section, thence East on said South line to the point of beginning, subject to an easement for driveway purposes over the East 30 feet thereof.

Property Owner: Don and Shirley Freeman

The following were provided in Commonwealth Land Title Insurance Company Commitment Number T-0481179, Effective date June 29, 2004, at 8:00 a.m., Schedule A.

Commencing on Section line 372.0 feet N of the SE corner of Section 10, Township 91 North Range 14 West of the 5th P.M., running thence at right angles W 468.40 feet, thence N parallel to E Section line to a point 400 feet S of the N line of the S 1/2 of SE 1/4 of said Section 10, thence Easterly parallel to said N line of S 1/2 of SE 1/4 to the E line of said Section 10, thence S on Section line to place of beginning, subject to public

highways and all other easements of record, and except those lands conveyed to the State of Iowa as Document 19903594, recorded in the Bremer Co. Recorder on October 24, 1990.

Property Owner: Herbert and Claudette Meyer

The following were provided in Commonwealth Land Title Insurance Company Commitment Number T-0481180, Effective date June 29, 2004, at 8:00 a.m., Schedule A.

Commencing at a point 468.40 feet of West of the Southeast corner of Section 10, Township 91 North, Range 14 West of the 5th P.M., running thence North 458 feet, thence West 260 feet, thence South 458 feet, thence East 260 feet to point of beginning. C-2 and A-1 to C-2.

842 6-6-05 **U-1 to C-3**
Lot 1, 2, and 3 in Fractional Block 2; and also Fractional Block 1, except the North 175 feet thereof; and the portion of vacated 1st Avenue SW lying between said Fractional Blocks; Except that part of Lots 3 and 4 in Fractional Block 1 previously rezoned to C-3.

845 6-20-05 **U-1 to R-3**
THE WEST 160 FEET OF OUTLOT 11 IN THE BROOKS & WOODRUFF ADDITION TO WAVERLY, IOWA.

DESCRIPTIONS WERE MADE IN PART FROM PARCELS FOUND IN BOOK 253 PAGE 926

848 7-25-05 **A-1 to R-1**
Commencing at the SE corner of all that part of the North 26 rods (429 feet) in the SE ¼ of the NW ¼ of the SW ¼ within Section 36, Township 92 North, Range 14 West of the 5th P.M.; Thence North 144 feet; Thence West 189 feet to the center of road; Thence Southwesterly 148 feet along the center of road; Thence East 228 feet to the point of beginning; all in the City of Waverly, Bremer County, Iowa.

850 8-22-05 **A-1 to R-1**
LOT 2 IN THE SUBDIVISION OF THE SW 1/4 OF SEC. 36, T92N, R14W OF THE 5TH P.M. AS RECORDED IN PLAT BOOK A, PG 42, BREMER COUNTY, IOWA; AND THAT PART OF LOT NOS. 2 AND 3 IN THE SUBDIVISION OF THE SE 1/4 OF SEC. 35, T92N, R14W OF THE 5TH P.M. AS RECORDED IN PLAT BOOK A, PG 24, BREMER COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE S 89°46'20" W 333.50 FEET; THENCE N 00°26'26" W 574.43 FEET; THENCE N 89°46'06" E 333.51 FEET; THENCE S 00°26'24" E 574.45 FEET TO THE POINT OF BEGINNING, CONTAINING 17.044 ACRES, MORE OR LESS

851 8-22-05 AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF WAVERLY, IOWA, A NATURAL GAS SYSTEM AND TO FURNISH AND SELL

NATURAL GAS TO THE CITY AND ITS INHABITANTS FOR A PERIOD OF 25 YEARS.

855 3-27-06 **U-1 to M-2**

The North 80 feet of the following described tract: Commencing at a point on a line that would be a direct continuation East of the South line of the alley in Block 8, John J. Smith's Addition to Waverly, Iowa, where said line intersects the West line of the SE ¼ of the SW ¼ of Sec. 35, Twp. 92 N, Rge. 14 W of the 5th P.M., running thence North 162.5 feet along said West line, thence East to Cedar River, thence in a Southerly direction along said River to a point on a line that would be a direct continuation East of the South line of said alley, thence West to point of beginning.

860 5-15-06 **A-1 to R-1**

The North-3/4 of the W-1/2 of NE1/4-NW1/4 Sec. 10, T91N, R14W, Waverly, Bremer County, except that part that is R-1.

863 9-18-06 **U-1 to R-4**

91 2nd Avenue SE
Lots 3 and 4 of Fractional Block 4 in the Original Town of Waverly, within Section 2, T91N, R14W of the 5th P.M., to the River's Edge.

U-1 to C-3

124 1st Street SE
Lots 4, 5 and 6 of Fractional Block 3 in the Original Town of Waverly, within Section 2, T91N, R14W of the 5th P.M., to the River's Edge.

And also;

All of 1st Avenue SE vacated west of the west right-of-way line of 1st Street SE, to the River's Edge.

And also;

Lots 1 and 2 of Fractional Block 4 in the Original Town of Waverly, including the vacated alley between Lots 2 and 3, within Section 2, T91N, R14W of the 5th P.M., to the River's Edge.

870 12-04-06 **A-1 to R-2**

All of Block 7, including the vacated alley, in Smith's Addition, Section 3, T91N, R14W, Bremer County, Waverly, Iowa.
Generally described as the entire block between 4th Avenue SW and 5th Avenue SW and between 7th Street SW and 8th Street SW.

873 01-08-07 A-1 to R-1

The North 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4, and 1 acre off the North side of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4, within Section 12, T91N, R14W, Bremer County, Waverly, Iowa all subject to City of Waverly right-of-way.

Generally described as the 5.68 acres along the west side of 30th Street SE and along the south side of the Waverly Rail-Trail.

874 01-15-07 R-2 to C-2A

Parcel "0" within Block 87 in the Subdivision of the SW 1/4 of the NE 1/4 of Section 3.

875 02-05-07 **A-1 to R-3**

WARTBURG COLLEGE – NW CAMPUS AREA
LOT 1 IN THE SUBDIVISION OF THE S1/2 OF THE SW1/4 OF SECTION 34, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M. OF AUDITOR'S PLAT RECORDED IN PLAT BOOK A, PAGE 57, OF THE RECORDS OF THE RECORDER OF BREMER COUNTY, IOWA, AND ALL THAT PART OF THE N1/2 OF THE SW1/4 OF SECTION 34, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M. LYING NORTH OF THE CEDAR RIVER RAILROAD, FORMERLY CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AND THE CHICAGO GREAT WESTERN RAILWAY COMPANY AND CEDAR VALLEY RAILROAD COMPANY (EXCEPT THE NORTH 20 RODS OF THE NE1/4 OF THE SW1/4 OF SAID SECTION

AND

A TRACT OF LAND IN SECTION 34, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION THAT IS SOUTH 0°09'00" WEST 570.00 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34; THENCE SOUTH 89°59'00" EAST 456.55 FEET TO A POINT 280.00 FEET WEST OF THE WEST LINE OF JUHL ADDITIONS TO WAVERLY, IOWA; THENCE SOUTH 0°00'00" EAST 756.40 FEET PARALLEL WITH THE WEST LINE OF JUHL ADDITIONS, TO THE SOUTH LINE OF SAID QUARTER-QUARTER; THENCE NORTH 89°59'00" WEST 458.55 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER, THENCE NORTH 0°09'00" EAST 756.40 FEET TO THE POINT OF BEGINNING.

AND

COMMENCING AT A POINT ON THE QUARTER SECTION LINE 715.27 FEET NORTH OF THE SOUTH QUARTER CORNER OF SEC 34, TOWNSHIP 92 N., RANGE 14 WEST OF THE 5TH P.M.; THENCE NORTH 0°02'30" EAST 321.13 FEET; THENCE NORTH 89°51'10" EAST 458.20 FEET TO A POINT 865 FEET WEST OF THE EAST LINE OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 34; THENCE SOUTH 0°00'00" 321.81 FEET TO THE NORTH RIGHT OF WAY LINE OF CHICAGO NORTH WESTERN TRANSPORTATION COMPANY RAILROAD; THENCE SOUTH 89°55'40" WEST 458.44 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING

AND

COMMENCING AT A POINT ON THE SECTION LINE 1036.40 FEET N OF THE S 1/4 CORNER OF SECTION 34, TWP. 92 N, RGE 14 WEST OF THE 5TH P.M., BREMER COUNTY, IOWA; THENCE NORTH 0°08'18" E 290.00 FT. TO THE N LINE OF THE SW1/4 OF THE SE1/4 OF SECTION 34; THENCE S 0°00'00" 290.00 FT;

THENCE S 89°54'30" W 458.00 FT. TO THE POINT OF BEGINNING, SUBJECT TO PUBLIC HIGHWAYS

879 05/21/07 **S-1 to C-2**

Lots 1 & 2 in Block 1, Willow Lawn First Addition; and also Lot 1 in Willow Lawn Second Addition; and also all of Lot 2 in Willow Lawn Second Addition that is not currently zoned C-2; and also the abandoned service drive within Willow Lawn First Addition that lies north of 3rd Avenue NW and between Lot 2 of Block 1 and 20th Street NW; all lying within the NW¼ of the NW¼ in Section 4, T91N, R14W, Bremer County, Waverly, Iowa.

889 11/13/07 C-2 & R-4 to R-2

All that part of Parcel E within the NW ¼ o f Section 7, T91N, R13W, not currently zoned R-2.

And also;

The approximate 110' X 201' parcel of land within the NW ¼ of the NW ¼ of Section 7, T91N, R13W, lying along the northwest boundary of Parcel E.

891 1/15/08 R-4 to C-3

The North one-half of Lots 1 and 2 in Block 29 in Harmon & LeValley's Addition, Section 2, T91N, R14W.

Comprehensive Land Use Plan Amendment

Lots 1 and 2 in Block 29 in Harmon & LeValley's Addition, Section 2, T91N, R14W.

895 01/21/08 A-1 to C-2

All of the S1/2 of the SW¼ of Section 3 that is west of the 16th Street SW right-of-way, T91N, R14W, Bremer County, Waverly, Iowa.

and also,

All of the NE1/4 of the SW1/4 of Section 3 that is west of the 16th Street SW right-of-way and south of the north 1215.85 feet, T91N, R14W, Bremer County, Waverly, Iowa.

and also,

The approximate South 327.5 feet of the NW1/4 of the SW1/4 of Section 3, T91N, R14W, Bremer County, Waverly, Iowa

Generally described as the area north of 10th Ave. SW and between 16th St. SW and 20th SW

899 07/07/08 R-1 to R-3

Lots 9, 10, 14 & 15 in Green Acres Addition; all lying within the E ½ of the SE ¼ in Section 34, T92N, R14W, Bremer County, Waverly, Iowa.

904 01/19/09 A-1 to R-1

Parcel H and Parcel I, both being portions out of lot 5 of the Haaland Minor Subdivision Plat of the SW ¼ of Section 36, Twp. 92 N, Range 14 W, of the 5th P.M.

905 01/19/09 R-2 to R-4

Lots 5 and 6 in Block 8 of William Sturdevant's Addition Subdivision of the S Part of the W ½ of the NW ¼ of Section 2, Twp. 91 N, Range 14 W, of the 5th P.M.

908 02/16/09 C-2 to R-3

Lots 51, 52, 53 of Stone Haven Plat IV, located in the S ½ of the NW ¼ of Section 11, TWP 91 N, R14 W in City of Waverly.

922 07/28/2009 A-1 to R-3:

The North 30 acres of the NW ¼ of the SW ¼ of Section 3, TWP 91 N, R 14 W of the 5th P.M., subject to Easement for public road along west side thereof of about 0.56 acre.

923 10/27/2009 C-2A to R-3:

The vacated alleyway and parts of lots 11-13 and lots 14-16, as recorded in Harmon and LeValley's Addition, all within the N. Pt. of W. ½ of the NE ¼ of Sec. 3, T. 91N, R14W, Bremer County, Waverly, Iowa.

Generally described as the south part of 123 11th St. NW, currently zoned R-3 (Multiple Family Residential District) and C-2A (Commercial District).

924 11/24/2009 A-1 (Agricultural District), R-2 (One and Two Family Residential District) and R-3 (Multiple Family Residential District) to P-D (Planned Development District):

Commencing at the Northeast corner of Lot 4 in Block 78 in the Sub-division of the SW1/4 of the NE1/4 of Sec 3, Twp 91 N., Rge 14 West of the 5th P.M., as shown by Plat recorded in Plat Book "A" page 25, records of Bremer County, Iowa, (formerly platted as Block 78 in Harmon and LeValley's Addition to Waverly, Iowa), running thence South to Southeast corner of Lot 4, Block 79 in above sub-division, thence West to right-of-way of the Cedar Falls and Minnesota Railroad (now Illinois Central Railroad), thence running NWrly along the East line of said Railroad right-of-way to the South line of Downing Street (now 2nd Ave. S.W.) in the City of Waverly, Iowa, thence East to the place of beginning; (now platted as "Mercywood" in the city of Waverly, Iowa, according to plat recorded in Book 116 pages 509-510 of the records of Bremer County, Iowa

Legal Description: The N1/2 of Lot 1 in Block 79 in the Sub-division of the SW1/4 of the NE1/4 of Sec. 3, Twp. 91 North, Rge 14 West of the 5th P.M., as shown in Plat Book "A" on page 25, records of Bremer County, Iowa, said premises being a part of and included in Lot 1 in Block 79 in Harmon & LeValley's Addition to Waverly, Iowa, as originally platted.

Legal Description: Parcel T, being a portion of the NW1/4 of the SE1/4 of Sec 3, Twp 91 N, Rge 14 W of the 5th P.M., Waverly, Bremer County, Iowa, further described as: Beginning at the SE corner of Block 79 of formerly Harmon and LeValley's Addition being on the N line of the NW1/4 of the SE1/4 of Sec 3; thence S 01º25'16" W 105.00 feet; thence S 46º37'50" W 369.67 feet; thence N 89549'20" W 390.00 feet; to the Erly right of way of the railroad; thence N 01º52'45" W 475.00 feet; to the N line of the NW1/4 of the SE1/4 of Sec 3; thence S 89º49'20" e 773.54 feet to the point of beginning.

Legal Description: Lot 2 in Block 79, Harmon & LeValley's Addition to Waverly, Iowa

Legal Description: The S1/2 of Lot 1 Block 79 in the Sub-division of the SW1/4 of the NE1/4 of Sec 3, Twp 91 N, Rge 14 West of the 5th P.M., as shown in Plat Book "A", page 25, records of Bremer County, Iowa

Legal Description Lot 3, Blk. 79, in the Sub-division of the SW1/4 of the NE1/4 of Sec. 3, Twp. 91 North, Rge. 14 West of the 5th P.M., as shown in Plat Book "A" on page 25, records of Bremer County, Iowa

Legal Description: The N1/2 of Lots 1, 2 and 3 in Block 78 in the Sub-division of the SW1/4 of NE1/4 of Sec 3, Twp 91 North, Range 14 West of the 5th P.M., as shown in Plat Book "A" on page 25

Legal Description: The S1/2 of Lot 3 and the N 10 feet of Lot 6, in Block 78, in the Sub-Division of the SW1/4 of the NE1/4 of Sec. 3, Twp. 91 N, Rge. 14 W of the 5th P.M., as shown in Plat Book "A" on page 25
and
The S1/2 of Lots 1 and 2 and the N 10 feet of Lots 7 and 8 in Block 78 in the Sub-Division of the SW1/4 of the NE1/4 of Sec. 3, Twp. 91N, Rge. 14 W of the 5th P.M., as shown in Plat Book "A" on page 25

Legal Description: Lots 6, 7 & 8 except the North 10 feet of said lots, in block 78 in the Sub-division of the SW1/4 of NE1/4 of Sec. 3, Twp 91N, Rge 14 West of the 5th P.M. as shown in Plat Book "A" on page 25, Bremer County, Iowa

LEGAL DESCRIPTIONS <u>NOT</u> INCLUDED IN REZONING APPLICATION

(Old Rohlf Clinic)
Legal Description: The South 251 feet of Block 103 in the Sub-division of the SW1/4 of the NE1/4 of Sec. 3, Twp. 91N, Rge. 14W of the 5th P.M., as shown by Plat recorded in Plat Book "A", page 25, records of Bremer County, Iowa, (formerly a part of Harmon & LeValley's Addition to Waverly, Iowa), and the alley in Block 103 of the Sub-division of the SW1/4 of the NE1/4, Section 3, Twp. 91N, Rge 14W of the 5th P.M.

as originally platted by William P. Harmon and G.W. LeValley and filed for record on December 6, 1857 and recorded in Book of Town Plats, page 1 of the records of the Recorder of Bremer County, Iowa.

(Home at 721 3rd Avenue SW)
Legal Description: Fractional Lot 5 in Block 22 in Wm. Sturdevant's Addition to Waverly, Iowa, as originally platted from June 1, 1992 at 8 A.M.
and
Abstract of Title to Fractional Lot 6 in Block 22 in Wm. Sturdevant's Addition to Waverly, Iowa, as originally platted.

(Parking lot by fair grounds)
Legal Description: The S1/2 of Block 7 in W.W. Smith's Addition to Waverly, Iowa.

928 12/31/2009 R-4 to C-3

Lots 5, 6, 7 and 8 in Block 35 of Harmon & LeValley's Addition; and the 66-foot wide right-of-way of 1st Avenue NW between the east right-of-way line of 3rd Street NW and the west right-of-way line of 2nd Street NW; all within the W ½ of the NW ¼ of Sec. 2, T91N, R14W, City of Waverly, Bremer County, Iowa.

933 02/09/2010 A-1 to R-1:

The South 14 rods lying East of the Public Road in the SE ¼ of the NW ¼ of the SW ¼ of Section 36; and the South 14 rods of the SW ¼ of the NE ¼ of the SW ¼ of Section 36; and the N ½ of the SE ¼ of the SW ¼ of Section 36 (except the South 2 rods thereof); and the SE ¼ of the NE ¼ of the SW ¼ of Section 36 (except commencing at a point 14 rods North of the Southwest corner of said SE ¼ of the NE ¼ of the SW 1/4 , running thence East 3 rods, thence North to the North line of said SE ¼ of the NE ¼ of the SW 1/4, thence West 3 rods, thence South to the place of beginning); and the South 4 rods of the NE ¼ of the NE ¼ of the SW ¼ of Section 36 (except the West 3 rods thereof) of Section 36; and all that part of the NE ¼ of the SW ¼ of the SW ¼ of Section 36, lying and being East of the Public Road running through said premises, all in T92N, R14W, of 5th P.M., Bremer County, City of Waverly, Iowa.

AND

The N ½ of the N ½ of the Se ¼, except the South 4 rods thereof, and the NE ¼ of the NE ¼ of the SW ¼, except the South 4 rods thereof, all in Section 36, Township 92 North, Range 14 West of the 5th P.M. ,Bremer County, City of Waverly, Iowa; excluding the NE ¼ and NW ¼ of the SE ¼.

This location is generally described as four properties on the east side of Bremer Road, totaling 49.92 Acres, south of the existing Fairholm Addition Subdivision, all within the City of Waverly.

935 03/30/2010 R-2 to C-2

Parcel in the NW Frl. 1/4, Section 7-91-13 City of Waverly, Bremer County, Iowa

The North Three (3) acres of Parcel “E” as shown on the plat of survey recorded as Doc. # 2007 286 in the records of Bremer County, Iowa, more particularly described as follows:

That part of the NW Frl. 1/4, Section 7-91-13, City of Waverly, Bremer County, Iowa, described as follows:

Commencing at a point 233.00 feet East of the West line of said NW Frl. 1/4 and 61.32 feet South of the North line of said NW Frl. 1/4 said point being on the Southerly R-O-W line of Iowa Hwy. No. 3; thence S89°10'54"E along said Southerly R-O-W line a distance of 748.79 feet; thence S89°21'53"E along said Southerly R-O-W line a distance of 183.95 feet; thence S88°54'07"E along said Southerly R-O-W line a distance of 110.11 feet to the point of beginning; thence S88°38'38"E along said Southerly R-O-W line a distance of 298.80 feet; thence S01°24'30"E a distance of 181.72 feet; thence S03°34'49"W a distance of 182.62 feet; thence S90°00'00"W a distance of 434.46 feet; thence N12°27'31"E a distance of 174.23 feet; thence N88°35'30"E a distance of 110.00 feet; thence N01°24'30"W a distance of 198.23 feet to the point of beginning, containing 3.000 acres.

The North line of the NW Frl. 1/4, Section 7-91-13 is assumed to bear N88°35'30"E.

936 07/27/2010 A-1 to R-1

All that part of Lot 3 in the subdivision of the SW ¼ of Sec. 1, Twp. 91 N., Rge. 14 W of the 5th P.M., as shown in Plat Book A page 9 in the office of the Recorder of Bremer County, Iowa, located in the N ½ of the NE ¼ of the SW ¼ Sec. 1 and lying Southerly of the line that originates at a point N 00° 17’ 16“ W 229.10 feet from the SW corner of the N ½ of the NE ¼ of the SW ¼ of Sec. 1, then continues S 89°33’20” E 575.00 feet and then N 51°10’13” E 250.00 feet to the Southwesterly right of way line of Iowa Primary Highway No. 3, EXCEPT the East 16.5 feet of Lot 3 AND EXCEPT any lands conveyed to the State of Iowa, all in the City of Waverly, Iowa.

This location is generally described as approximately 4.3 acres,

located on the south side of E. Bremer Ave, approximately 1,250 feet east of 12th St. NE.

954 11/29/2011 A-1 to R-4

The North 562 Feet of the West 400 Feet of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) Section 10, Township 91 North, Range 14 West of the 5th P.M. in Waverly, Bremer County, Iowa, Containing 5.16 Acres More or Less Including Road Rights of Way.

958 05/29/2012 U-1 to R-1

The eastern 500 feet of Parcel “R” and “Remainder of Parcel S”, a portion of the SE¼ - NE¼, Section 11, T91N – R14W, all in the City of Waverly, in Bremer County, Iowa.

960 07/24/2012 U-1 to R-1

The western 753.38 feet of Parcel “R” and “Remainder of Parcel “S”, a portion of the SE ¼, NE ¼, Section 11, T91N – R14W, all in the City of Waverly, in Bremer County, Iowa.

963 12/25/2012 A-1 TO C-2

THE NORTH 272 FEET OF PARCEL"X", EXCEPT THE WEST 400 FEET THEREOF BEING IN THE NORTHEAST QUARTER (NE1/4)OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) SECTION 10, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. IN WAVERLY, BREMER COUNTY IOWA, CONTAINING 1.34 ACRES MORE OR LESS.

A-1 TO R-4

THE SOUTH 260 FEET OF PARCEL"X", EXCEPT THE WEST 400 FEET THEREOF BEING IN THE NORTHEAST QUARTER (NE1/4)OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) SECTION 10, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. IN WAVERLY, BREMER COUNTY IOWA, CONTAINING 1.27 ACRES MORE OR LESS.

R-4 TO C-2

THE NORTH 170 FEET OF THE WEST 400 FEET OF PARCEL"X", BEING IN THE NORTHEAST QUARTER (NE1/4)OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) SECTION 10, TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M. IN WAVERLY, BREMER COUNTY IOWA, CONTAINING 1.56 ACRES MORE OR LESS.

973 09/24/2013 A-1 and R-1 to C-2

The S 165 feet of the E 294 ½ feet of the NE ¼ of the NE ¼ and the N 40 feet of E 294 ½ feet of SE ¼ of NE ¼ of Sec 10, Twp 91 N, Rge 14 W of the 5th P.M., and, Commencing at a point 165 feet N and 294 ½ feet W of the SE corner of the NE ¼ of NE ¼ , running thence S 165 feet to the S line of said NE ¼ of NE ¼ , thence W along said S line 373.45 feet to the SW corner of the SE ¼ of NE ¼ of NE ¼ , thence N 103 feet, thence N 69°56’ E 127.10 feet, thence E to the point of beginning, in Sec 10, Twp 91 N, Rge 14 W of the 5th P.M.

These two properties, totaling approximately 2.49 acres and as described together above, are generally located on the West side of the intersection of 4th St. SW and 13th Ave. SW in Waverly, Iowa and the Future Land Use Plan will be amended for the subject properties from Residential to Commercial.

Mixed Use Properties:
Parcel 0910276023 (known as 1406 4th St. SW)
Parcel 0910276022 (known as 1404 4th St. SW and west of 1406 4th St. SW)
Parcel 0910276004 (known as 1410 4th St. SW)

982 07/21/2014 A-1 to M-1
27 acres, located on the north side of and in the 2800 block of 5th Avenue NW.

983 07/21/2014 A-1 to R1

Rezoning Request in 200 block of 10th Street NE for 1.10 acres legal description.

The Westerly Four Hundred Eight and Forty-eight Hundredths (408.48) feet of the North Two Hundred Sixty-six (266) feet of the South Thirty-eight (38) acres of the North Sixty-eight and one-half (68 ½) acres of the Northwest Fractional Quarter (NWfr ¼) of Section One (1), Township Ninety-one (91) North, Range Fourteen (14) West of the 5th P.M., except the East One Hundred seventy-eight and Forty-eight Hundredths (178.48) feet thereof.

Subject to a non-exclusive Easement for purpose of ingress and egress, including the right to construct roadway, over the following described real estate: The South 66 feet of the North 166 feet of the West 230 feet of the South thirty-eight (38) acres of the North sixty-eight and one-half (68 ½) acres of the Northwest Fractional Quarter (NWFrl ¼) of Section One (1), Township 91 North, Range 14 West of the 5th P.M.

988 11/17/14 C-2 to M-2

Located on north side of East Bremer Avenue, approximately 800 feet west of 39th Street NE for 23.6 acres.

Sfr½ of the SW ¼ of Sec 6, Twp 91 N, Rge 13 W of the 5th P.M., except the following: Commencing at the SW corner of said SW¼, running thence E on the S line of said Sec 2132 feet, thence N 1º28’20” W 815 feet, thence S 88º31’40” W 579.79 feet to the E line of Lot 38, Eastgate Addition, Bremer County, Iowa, thence N 17º04’20” W along said E line to the N corner of said Lot 38, thence N 3º11’20” W 319.90 feet along the E line of said Eastgate Addition to the N line of said Sfr½ of SW¼, thence W to the NW corner of said Sfr½ of SW¼, thence S on W line of said Sec 1317.50 feet to the point of beginning; also except that portion thereof platted as Lots 1,2,3,4,5,6,7, and 8, Monaghan’s Second Subdivision, Bremer County, Iowa; and except that portion of road in the SE¼ of SW¼ of said Sec 6, conveyed to the State of Iowa and the City of Waverly, Iowa by Documents 19953607 and 19953608 recorded in the office of the Bremer County Recorder

And
Commencing at a point 60 feet North and 1696 feet East of the SW corner of Sec 6, Twp 91 N, Rge 13W. of the 5th P.M. thence North 240 feet thence East 436 feet, thence South 240 feet, thence West 436 feet to the point of beginning, and beginning at a point 1696.00 East and 298.90 feet North of the SW corner of Section 6, Township 91 North, Range 13 West of the 5th P.M., running thence North 17º04’20” West 534.70 feet, thence North 88º31’40” East 579.79 feet thence South 1º28’20” East 515.00 feet to a point 300 feet North of the South line of said Section 6, thence South 88º31’40” West 436.00 feet to the point of beginning.

993 05/12/15 A-1 to R-1

Rezoning Request of approximately 9 acres located on the southeast side of 2nd Avenue NE and 10th Street NE.

The S 38 acres of the N 68½ acres of the NW¼ of Sec 1, except the N 266' of the Wrly 408.48' thereof; and Lot 16 in the subdivision of the NW¼ of Sec 1, all in T91N, R14 W of the 5th P.M., except lands described as Highpoint First Addition to Waverly, Iowa, recorded as Doc. No. 20036768 in the office of the Recorder of Bremer County, Iowa, and except lands described as parcel Q recorded as Doc. No. 20065622 in the office of the Recorder of Bremer County, Iowa.

994 05/12/15 R-1 to C-2

Rezoning Request of approximately 1.3 acres out of a 24.4 acre property located on the south side of East Bremer Avenue in the 3000 block.

That part of the NW of Sec. 7, T91N, R13, W of the 5th P.M., City of Waverly, Bremer County, Iowa, described as beginning at a point 233.0 feet E of the W line of the NW¼ and 61.32 feet S of the N line of said NW¼, said point being on the Srly right of way line of Iowa Hwy. No. 3; thence S 89°10'54"E, 185.0 feet along said Srly right of way line of Iowa Hwy. No. 3; thence S00°07'13"W 306.3 feet; thence S89°13'16" W, 185.0 feet to the E line of the W 233.0 feet of said NW¼ thence N00°07'13"E 308.3 feet to the point of beginning; containing 56,461 square feet, more or less.

995 05/12/15 R-1 to R-3

Rezoning Request of approximately 2.7 acres located on the northwest side of 2nd Avenue NE and 10th Street NE.

Lots 12, 13, and 14, in the subdivision of a part of the Northeast Quarter of Section Two, Township 91 North, Range 14 West of the 5th P.M., as shown by plat recorded in Book "C" of Deeds, Page 245, of the Bremer County records.

996A 06/23/15 A-1 to R-4

Rezoning Request of approximately 12.33 acres located on the southeast side of 4th Street SW and Cedar River Parkway.

That part of the North Half of the Northwest Quarter (N ½ NW 1/4) of Section No. 11, Township No. 91 North, Range No. 14 West of the Fifth Principal Meridian, City of Waverly, Bremer County Iowa, described as follows:
Beginning at the Northerly extension of the East line of Doc.
No. 20083444 recorded in the Office of the Bremer County Recorder, also being a point on a Southerly line per Plat of Survey dated 7/12/2000 recorded in Doc. No. 20002868 in the Office of the Bremer County Recorder; thence along the Southerly line of said Doc. No. 20002868 South 72°48¼' East a distance of 491.95 feet; thence continuing along a Southerly line of said Doc. No. 20002868 Southeasterly

57.35 feet along a curve concave Northeasterly, having a radius of 1960.0 feet, a central angle of 01°40½', and a long chord of South 73°38½ East 57.35 feet to a point on the East line of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4); thence along said East line South 00°24¼' East a distance of 938.85 feet to the Southeast corner of said Northwest Quarter of the Northwest Quarter; thence along the South line of said Northwest Quarter of the Northwest Quarter South 89°02¼' West a distance of 525.15 feet to a Southerly extension of the East line of Doc. No. 19992877; thence along said East line of said Doc. No. 19992877 and East line of said Doc. No. 20083444 and a Northerly extension of said East line of said Doc. No. 20083444 North 00°20¼' West 1109.3 feet to the point of beginning. Containing 12.33± acres.

996B 06/23/15 A-1 to C-2

Rezoning Request of approximately 1.75 acres located on the southeast side of 4th Street SW and Cedar River Parkway.

That part of the North Half of the Northwest Quarter (N 1/2 NW 1/4) of Section No. 11, Township No. 91 North, Range No. 14 West of the Fifth Principal Meridian, City of Waverly, Bremer County Iowa, described as follows:
Commencing at the Northwest corner of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4), also being the Northwest corner per Doc. No. 20004818 recorded in the Office of the Bremer County Recorder; thence along the North line of said Northwest Quarter of the Northwest Quarter and the North line of said Doc. No. 20004818 North 89°15¼' East a distance of 264.0 feet to the Northwest corner per Plat of Survey dated 7/12/2000 recorded in Doc. No. 20002868 in the Office of the Bremer County Recorder, also being the Northeast corner of said Doc. No. 20004818; thence along the West line of said Doc. No. 20002868 and the East line of said Doc. No. 20004818 South 00°20¼' East a distance of 67.65 feet to the Southwesterly corner of said Doc. No. 20002868, also being the point of beginning; thence along a Southerly line of said Doc. No. 20002868 Southeasterly 210.5 feet along a curve concave Southwesterly, having a radius of 890.0 feet, a central angle of 13°33', and a long chord of South 79°34¾ East 210.0 feet;
thence continuing along a Southerly line of said Doc. No. 20002868 South 72°48¼' East a distance of 332.1 feet to a Northerly extension of the East line of Doc. No. 20083444 recorded in the Office of the Bremer County Recorder;
thence along said Northerly extension South 00°20¼' East a distance of 64.3 feet to the Northeast corner of said Doc. No. 20083444; thence along the North line of said Doc. No. 20083444 South 89°14¾ West a distance of 523.0 feet;
thence North 00°20¼' West a distance of 207.35 feet to the point of beginning. Containing 1.75± acres.

998 07/28/15 R-4 to C-3

Rezoning Request of property at 115 1st Avenue NE.

The E ½ of lot 3, in Block 7, of Original Town, Waverly, Iowa.

999 08/25/15 R1 to R-2

Rezoning Request of .2 acres located on the northwest corner of 1st Street SW and 8th Avenue SW

All that part of Lot 3 in the Subdivision of the SW ¼ of Sec 2, Twp 91 N, Rge 14 W of the 5th P.M., which is within the following described boundaries, to-wit: Beginning at a point at the center of the South end of West Water Street (now First Street SW), Waverly, Iowa, 2 rods North of Cemetery Gate a point where the street or road (now Eighth Ave SW) running West to the Janesville Road intersects with said West Water Street, thence West 6 rods along the center line of said East and West Road, thence North 10 rods, thence East 6 rods to the center of West Water Street (now First Street SW), thence South 10 rods in the center of said West Water Street to the place of beginning subject to Public Streets in Bremer County, Iowa.

1001 09/24/15 C-3 to R-4

Rezoning Request of property at 314 1st Avenue SE

Lot 2 in Block 10 of Original Town Subdivision in Waverly, Bremer County, Iowa.

1002 11/12/15 A-1 to R-1

Rezoning Request for approximately 6.84 acres located on the east side of 12th Street NE, approximately 300 feet south of 1st Avenue NE

Lot 18 in the Subdivision of the Northwest Quarter (NW ¼) of Section 1, Township 91 North, Range 14 West of the 5th P.M. in City of Waverly, Bremer County, Iowa.

1008 01/26/16 R-4 to C-3

Rezoning Request for property at 350 1st Avenue NW.

Lots 1, 2, 3, 4, 5, 6, 7, 8 and the alley in Block 38 in Harmon and LeValley's Addition Subdivision, in Twp. 91 N, Rge. 14 W, all in Waverly, Bremer County, Iowa.

1014 7/26/16 R-1 and C-2 to C-2A

Rezoning Request for property on the southeast corner of 4th Street SW and Cedar River Parkway in the 300 block of the Cedar River Parkway.

The N½ of the NW¼ of Sec 11, Twp 91 N, Rge 14 W of the 5th P.M., except the N 275' of the W 264' thereof, and except the following: Beginning 275' S NW corner of Sec 11, thence N 89º 35' 00" E 786.97', thence S 1044.60', thence S 89º 20' 40" W 787.00', thence N 1047.88' to point of beginning, and except Eliasen Addition described in Plat Proceedings, Doc. No. 19952488, recorded in the Office of the Recorder of Bremer County, Iowa, and except Parcel I described in Survey Doc. No. 20012729, recorded in the Office of the Recorder of Bremer County, Iowa, except lands deeded to the City of Waverly, Iowa described in Doc. No. 20002654 and Doc. No. 20002868 and Doc. No. 20143023, all recorded in the office of the Recorder of Bremer County, Iowa.

And

That part of the Northwest Quarter (NW¼) of Section No. 11, Township No. 91 North, Range No. 14 West of the Fifth Principal Meridian, City of Waverly, Bremer County, Iowa, described as follows:

Commencing at the Northwest corner of said Northwest Quarter, point being a found ¾" 0 lead plug in P.C.C. pavement; thence along the West line of said Northwest Quarter South 00º 21½' East a distance of 274.8 feet to the Southwest corner of the North 275 feet of said Northwest Quarter; thence along the South line of said North 275 feet North 89º 16½' East a distance of 123.4 feet to a set ½" rebar with license #16264, being the point of beginning;
thence North 00" 20½' West a distance of 184.4 feet to a set ½" rebar with license #16264; thence North 73º 20½' East a distance of 52.4 feet to a set ½" rebar with license #16264; thence North 83º 59¾' East a distance of 90.75 feet to the Southwest corner of Acquisition Plat dated 07/12/2000 and recorded in Doc. No. 20002868 in the Office of the Bremer County Recorder, also being on the east line of Acquisition Plat dated 08/15/1997 and recorded in Doc. No. 19973964 in the Office of the Bremer County Recorder, point being a found ½" rebar; thence along said East line South 00º 20½' East a distance of 207.15 feet to the South line of said North 275 feet, point being a set ½" rebar with license #16264; thence along said South line South 89º 16½' West a distance

of 140.6 feet to the point of beginning. Containing 27,965 sq. ft. Subject to easements, restrictions, covenants, ordinances and limited access provisions of record and not of record. Note: The West line of said Northwest Quarter is assumed to bear North 00°21½'West for this description.

1023 05/23/17 A-1 to R-3

Rezoning Request for property located on the east side of 20th Street NW and 2,200 Feet north of Knight Avenue subject to Zoning Agreement limiting construction of up to four attached residences per structure signed by Cory Henke on February 2, 2017 and Debra Schroeder on April 4, 2017 .

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M., CITY OF WAVERLY, BREMER COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE, N0°29'20"E 385.24' ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34 TO THE SOUTHWEST CORNER OF PARCEL "G" AS APPEARS IN THE PLAT OF SURVEY RECORDED IN INSTRUMENT #20084973 IN THE OFFICE OF THE RECORDER, BREMER COUNTY, IOWA; THENCE, N89°30'40"E 404.99 ALONG THE SOUTH LINE OF SAID PARCEL "G"; THENCE, CONTINUING N89°30'40"E 912.14' TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE, S0°36'14"E 1699.22' ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 34 TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE, S89°02'09"W 659.54'

ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE, N0°32'29"W 1324.33' ALONG THE WEST LINE OF THE EAST 20 ACRES OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE, S89°05'15"W 659.83' ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 34 TO THE POINT OF BEGINNING.
CONTAINING 31.49 ACRES INCLUDING 0.29 ACRES OF PRESENTLY ESTABLISHED ROAD RIGHT OF WAY.

1031 03/13/18 M-1 to C-2

Rezoning Request for property located in the SW corner of 4th Street SW and Technology Place.

PARCEL "A-A", BEING THE SOUTHERLY 75 FEET OF THE "GREEN WAY" AS SHOWN ON THE PLAT OF WAVERLY INDUSTRIAL PLAZA IN THE CITY OF WAVERLY, BREMER COUNTY IOWA ALL BEING EAST OF PARCEL "C" OF THE SOUTHEAST QUARTER OF SECTION 10, AS RECORDED IN DOC. 1996-0285 , ALL IN TOWNSHIP 91 NORTH, RANGE 14 WEST OF THE 5TH P.M., BREMER COUNTY, IOWA, FURTHER DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "A" DESCRIBED AS BEING SOUTH 00°13'30" EAST201.84 FEET AND NORTH 89°53'00" WEST 46.30 FEET, OF THE NORTHEAST CORNER OF SAID SECTION 10. THENCE NORTH 89°53'00" 218.70 FEET ALONG THE NORTH LINE OF SAID PARCEL "A" (ALSO BEING THE SOUTH LINE OF WAVERLY INDUSTRIAL PLAZA), TO THE SOUTHEAST CORNER OF SAID PARCEL "C" THENCE NORTH 00°13'30" 26.18 FEET TO THE SOUTHERLY RIGHT OF WAY OF "TECHNOLOGY PLACE" THENCE NORTHEASTERLY 98.72 FEET ALONG A 350 FOOT RADIUS CURVE CONCAVED NORTHWESTERLY AND HAVING A CHORD DEFINITION OF NORTH 59°59'16" EAST 98.40 FEET; THENCE SOUTH 89°53'00" EAST 132.90 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID PARCEL "A"; THENCE SOUTH 00°08'00" EAST 75.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 14031.45 SQUARE FEET OR 0.32 ACRES INCLUSIVE OF ANY WRITTEN AND UNWRITTEN EASEMENTS OF RECORD.

1033 04/10/18 R-1 to C-2

Rezoning Request for property located in SW Waverly on 4th Street SW subject to Statement of Commitments concerning the use and development of that parcel signed by Michael R. Richardson on April 13, 2018.

The East 8.60 chains except the South 33 feet of Lot 6 in the Subdivision of the Southeast Quarter of Section 3, Township 91 North, Range 14 West of the 5th P.M., lying South of the South line of the Irregular Survey and Plat of Subdivision of the Northeast part of Lot 6 in the Subdivision of the Southeast Quarter of the Southeast Quarter of Section 3, Township 91 North, Range 14 West of the 5th P.M., as shown in Plat Book A, Page 63.

1035 05/15/18 R-4 to R-2

Rezoning Request for 3.19 acres of property located in Rolling Hills Second Addition on the northwest corner of 39th Street SE and Viola Drive.

Lot 15, Rolling Hills Second Addition, Waverly, Bremer County, Iowa, EXCEPT Unit 1, Unit 3, Unit 4, and Unit 5 Rolling Hills Country Villas Condominiums, Phase I, Waverly, Bremer County, Iowa, located on said Lot 15, Rolling Hill Second Addition, Waverly, Iowa (ALSO being Lo :t 15 except the East 269.1 feet thereof)

1036	05/15/18	R-4 to R-1 Rezoning Request for 8 lots within Omni Development First Addition, NE of intersection of 13th Avenue SW and 3rd Street SW in SW Waverly. Lots 1, 2, 3, 4, 5, 6, 7 and 8 in Omni Development First Addition, located in the N ½ of NW ¼ of Sec. 11, Twp. 91N, Rge. 14W, Waverly, Iowa.
1038	05/29/18	R-4 to R-2 Rezoning Request for Lots 56 through 67 in Stonehaven V Subdivision. Lots 56 through 67 in Stone Haven Plat V, as recorded in Doc. No. 20065781, 20160820, 2017, 1869, located in the N part of NW ¼ of Sec. 11, Twp. 91N, Rge. 14 W, 5th P.m., City of Waverly, Bremer County, Iowa.
1039	05/29/18	R-3 to R-1 Rezoning Request for Lots 1 through 50 and Lot 53 in Stonehaven IV Subdivision. Lots 1 through 50 and lot 53 in Stone Haven Plat IV, as recorded in Doc. No. 20042255 in the Office of the Bremer County Recorder of Deeds Office; located in the E ½ of the NW ¼ of Sec. 11, Twp. 91N, Rge. 14W, of the 5th P.M., City of Waverly, Bremer County, Iowa.
1040	05/29/18	R-4 to R-1 Rezoning Request for Lots 12,13,14, and 15 in Stonehaven III Subdivision. Lots 12 through 15 in Stone Haven Plat III, as recorded in Doc. No. 20022164 in the Office of the Bremer County Recorder of Deeds, located in a portion of the S ½ of NW ¼ of Sec. 11, Twp. 91N, Rge. 14 W, 5th P.m., City of Waverly, Bremer County, Iowa.
1041	05/29/18	R-3 to R-4 Rezoning Request for Lot 51 in Stonehaven IV Subdivision. Lot 51 in Stone Haven Plat IV, as recorded in Doc. No. 20042255 in the Office of the Bremer County Recorder of Deeds Office; located in the

E ½ of the NW ¼ of Sec. 11, Twp. 91N, Rge. 14W, of the 5th P.M., City of Waverly, Bremer County, Iowa.

1042 05/29/18 R-4 to R-2

Rezoning Request for specified lots in Rolling Meadows Subdivision.

Lots 1 through 35, Excepting Lot A, in Rolling Meadows Subdivision Phase One as recorded in Doc. No. 19952357 in the Office of the Bremer County Recorder of Deeds; Lots 201 through 219, Except Lots A, B, C, in Rolling Meadows Subdivision Phase 2a as recorded in Doc. No. 20041581 in the Office of the Bremer County Recorder of Deeds; Lots 220 through 238 in Rolling Meadows Subdivision Phase 2B as recorded in Doc. No. 20044865 AND Doc. No. 20045693 in the Office of the Bremer County Recorder of Deeds; Lot 248A, and lots 239 through 256 in Rolling Meadows Subdivision Phase 2c as recorded in Doc. No. 20054408 in the Office of the Bremer County Recorder of Deeds; located in the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Sec. 3, Twp. 91N, Rge. 14 W, of the 5th P.M., City of Waverly, Bremer County, Iowa.

1043 05/29/18 R-4 to R-2

Rezoning Request for specified lots in OMNI Development Second Addition.

Lots 1 through 27 in Omni Development Second Addition, as Recorded in Doc. No. 20161218, 20161509, 20170642 in the Office of the Bremer County Recorder of Deeds Office located in the N ½ of NW ¼ of Sec. 11, Twp. 91N, Rge. 14W, City of Waverly, Bremer County Iowa.

1050 08/14/18 R-3 to R-4

Rezoning Request for property owned by the City located along 15th Street NW and 16th Street NW by 3rd Avenue NW.

Parcel 1 – 420 16th Street NW:

Lots 7 and 8 and that part of Lot 9 lying S of an Easterly extension of the N line of Lot 8, except commencing at the SE corner of said Lot 9, thence W 81.80 feet along the S line of said Lot 9, thence N 40 feet, thence E 49.84 feet to the W right-of-way line of the Illinois Central Rail Road, thence S 38°39' E 51.15 feet to the point of beginning, all in Carver's Sub-division of Block 1 of Carpenter's Addition to Waverly, Iowa , and except the following: Beginning at a point on the NErly line of Lot 9 of Carver 's Subdivision of Block 1 of Carpenter's Addition that is N 38°39'00" W 51.15 feet from the SE corner of said Lot 9; thence N 90°00'00" W 49.84 feet parallel with the S line of said Lot 9; thence N 00°00'00" E 62.28 feet to the NErly line of said Lot 9, also being the W right of way line of the Cedar River Railroad Company; thence S 38°39'00" E 79.82 feet to the point of beginning.

Parcel 2 – Waverly Utility parcel:
That portion of Lot 9 of Carver's Subdivision of Block One of Carpenter's Addition to Waverly, Bremer County, Iowa, as recorded in Plat Book "D" on page 19, and further described as follows: Beginning at a point on the Northeasterly line of Lot 9 of Carver's Subdivision of Block One of Carpenter's Addition that is North 38°39'00" West 51.15 feet from the Southeast corner of said Lot 9; thence North 90°00'00" West 49.84 feet parallel with the South line of said Lot 9; thence North 00°00'00" East 62.28 feet to the Northeasterly line of said Lot 9, also being the West right of way line of the Cedar River Railroad Company; thence South 38°39'00" East 79.82 feet to the point of beginning. Said parcel contains 0.036 acres.

Parcel 3 – Waverly Homes:
Commencing at a point 180 feet East of the SW corner of Carver's Sub-division of Block 1 of Carpenter's Addition to Waverly, Iowa, (being a point on the East line of 16th Street N. W., Waverly, Iowa, 180 feet East of the NE corner of Block 6, Second Home Addition to Waverly, Iowa) running thence North 88°36' East 141.80 feet along the South line of said Carver's Sub-division of Block 1,thence North 1°26' West 6.60 feet, thence North 88°36' East 138.60 feet along South line of said Carver's Sub-division to the West line of the Illinois Central Railroad right-of-way, thence along the West line of said Railroad right-of-way South 43°07' East 392.60 feet, thence South 46°53' West 150.00 feet, thence continuing along the lands of said Railroad South 43°07' East 331.80 feet, thence SErly along said Railroad land 209.40 feet on a curve having a radius of 2,665.00 feet concave SWrly, thence South 88°19' West 277.00 feet, thence North 1° 38' West 75.00 feet, thence South 88°19' West 249.70 feet to the East line of 15th St. N.W., Waverly, Iowa, thence North 0°00' along said East line 537.80 feet to the North line of 3rd Avenue N.W., Waverly, Iowa, thence along said North line South 88°31' West 272.80 feet to East line of 16th Street N.W., Waverly, Iowa, thence along said East line North 0°04' West 185.80 feet to point of beginning.

EXCEPT:
Beginning at a point on the East line of 15th Street Northwest, Waverly, Bremer County, Iowa, said point being South 380.00 feet from the Northeast corner of 3rd Avenue and 15th Street; thence N 90°00' E 340.15 feet to the West right of way line of the Illinois Central Railroad; thence South 43°07' East 78.25 feet; thence Southeasterly along said railroad 209.40 feet on a curve having a radius of 2,665.00 feet, concave Southwesterly; thence S 88°19' W 277.00 feet; thence N 1°38' W 75.00 feet; thence S 88°19' W 249.70 feet, to the East line of said 15th Street; thence N 0°00' E 157.80 feet, to the point of beginning.

Parcel 4 – Waverly Manor
Beginning at a point on the East line of 15th Street Northwest, Waverly, Bremer County, Iowa, said point being South 380.00 feet from the Northeast corner of 3rd Avenue and 15th Street; thence N 90°00' E 340.15 feet to the West right of

way line of the Illinois Central Railroad: thence South 43°07' East 78.25 feet; thence Southeasterly along said railroad 209.40 feet on a curve having a radius of 2,665.00 feet, concave Southwesterly; thence S 88°19' W 277.00 feet; thence N 1°38' W 75.00 feet; thence S 88°19' W 249.70 feet, to the East line of said 15th Street; thence N 0°00' E 157.80 feet, to the point of beginning.

1051 10/09/18 A-1 to R-1

Rezoning Request for 2.66 acres of property described at 806 12th Street SE.

Parcel CC in Parcel T in the Southeast Quarter of the Southeast Quarter of Section 2, Township 91 North, Range 14 West of the 5th P. M., City of Waverly, Bremer County, Iowa, and more particularly described as follows: Commencing at the Northeast Corner said Quarter-Quarter section; Thence South 00° 47' 09" West, 659.61 feet along the East Line of said Quarter- Quarter Section to the Northeast Corner of Parcel T, as recorded in Document# 2014- 3519, on file in the Bremer County Recorder' s office, Waverly, Iowa and the Point of Beginning; Thence continuing South 00° 47' 09" West, 269.94 feet along said East Line; Thence South 89° 59' 12" West, 132.56 feet; Thence North 00° 49' 13" West, 265.00 feet to the North Line of said Parcel T; Thence North 87° 57' 57" East, 140. 15 feet along the North Line of said Parcel T to the Point of Beginning. Containing 0. 84 Acre, subject to any easements recorded or unrecorded.

Parcel HH in Parcel CC in the Southwest Quarter of the Southwest Quarter of Section 1, Township 91 North, Range 14 West of the 5th P. M., City of Waverly, Bremer County, Iowa, and more particularly described as follows: Commencing at the Northwest Corner of said Quarter- Quarter Section; Thence South 00° 47' 09" West, 659. 61 feet along the West Line of said Quarter-Quarter Section to the Northwest Corner of Parcel CC, as recorded in Document # 2014- 3519, on file in the Bremer County Recorder' s office, Waverly, Iowa and the Point of Beginning; Thence South 89° 40' 35" East, 294.70 feet along the North Line of said Parcel CC to the Northeast Corner thereof; Thence South 00° 58' 13" West, 268.22 feet along the East Line of said Parcel CC; Thence South 89° 59' 12" West, 293.86 feet to the West Line of said Quarter-Quarter Section; Thence North 00° 47' 09" East, 269.94 feet along said West Line to the Point of Beginning. Containing 1. 82 Acres, subject to any easements recorded or unrecorded.

1056 03/26/19 A-1 to R-1

Rezoning Request for 3.02 acres of property described at 1009 Bremer Road.

Legal Description:

Parcel O in Lot 4 of the Subdivision of the Southwest Quarter of Section 36, Township 92 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa, and more particularly described as follows:

Commencing at the Northwest Corner of Lot 4 of the Subdivision of the Southwest Quarter of said Section;

Thence **North 88°47'23" East, 671.74 feet** along the North Line of said Lot 4 to the Point of Beginning;

Thence continuing **North 88°47'23" East, 550.00 feet** along said North Line to the Centerline of Bremer Road;

Thence **South 15°54'02" West, 305.00 feet** along said Centerline;

Thence **South 88°58'35" West, 460.00 feet**;

Thence **North 01°15'46" West, 290.00 feet** to the Point of Beginning.

Containing **3.37 Acres**, including 0.35 Acre of Bremer Road Right-of-Way, subject to any easements recorded or unrecorded.

1063 08/13/19

R-1 to C-2
Rezoning Request for property located at 1316 4th Street SW.

Legal Description:
Lot 9, Engstrom Addition to Waverly, Iowa, except lands conveyed to the City of Waverly, Iowa, described in Warranty Deed recorded as Document Number 19910266, Bremer County, Iowa, Records.

1064 08/13/19

A-1 to M-1
Rezoning Request for 34.62 acres of property in the SW¼SE¼ of Section 6 T91NR13W located east of 39th Street NE and north of Hwy 3.

Legal Description:
The SW ¼ of the SE ¼, Section 6, Township 91 North, Range 13 West of the 5th P.M. Bremer County, Iowa, except parcels conveyed to the City of Waverly and the Iowa Department of Transportation for road right of way.

1070 03/10/20

R-2 to P-D
Rezoning Request for property located at 208 9th Avenue NW and 1005 Adams Parkway.

Legal Description:
OUTLOT 2 AND 3, WILMOUR'S WOODLAND ESTATES, IN THE NW ¼ -- SW ¼ OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 14 WEST, CITY OF WAVERLY, BREMER COUNTY, IOWA

1071 12/15/20

R-3 to C-1
Rezoning Request for property located at 1661 3rd Street SW.

Legal Description:
Lot 52 of Stone Haven Plat IV, City of Waverly, Iowa a subdivision of Outlot "X" of the replat of Stone Haven Subdivision, City of Waverly, Iowa

1072 04/14/20 A-1 to R-2

Rezoning Request for property owned by the City of Waverly for Parcel ID 0911200001 and Parcel ID 09112000018 located abutting the Cedar River Parkway.

Parcel ID 0911200001 Legal Description: 11-91-14 N 5A W ½ NW N

Parcel ID 0911200018 Legal Description: 11-91-14 E ½ & S 15 AC W ½ NW NE "EX PARCEL J"

1073 06/09/20 City-Owned Street to M-1

Rezoning Request of a portion of 6th Street NW from North right-of-way line of 6th Avenue NW to the South right-of-way line of the Cedar River Railroad Co.

Legal Description:
A portion of 6th Street NW from North right-of-way line of 6th Avenue NW to the South right-of-way line of the Cedar River Railroad Co., a parcel 66-foot wide and 95-foot-deep

1074 06/30/20 A-1 to M-1

Rezoning Request for property owned by the Bremer County Fair Association for Parcel ID 1006400002 located to the east of 39th Street NE.

Legal Description:
The S1/2 of the NW1/4 of the SE1/4 in Sec 6, Twp 91 N, Rge 13 W of the 5th P.M., in the City of Waverly, Bremer County, Iowa, subject to an easement for an ingress and egress for Hanawalt Farms over the N 75' and the E 75' of the W 125' of the S 75' of the N 150" of said S1/2 of the NW1/4 of the SE1/4 of Sec 6

1077 08/11/20 R-4 to R-1

Rezoning Request for Parcel ID 0535126010 owned by Robert and Lindee Juhl located to the west of Horton Road.

Legal Description:
DESCRIPTION PARCEL I:
THAT PART OF THE EAST 114 ACRES OF THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M. BREMER COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 35, THENCE SOUTH 31°13'11" WEST 871.81 FEET ALONG THE CENTERLINE OF COUNTY ROAD V14, THENCE NORTH 89°56'15" WEST 411.28 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 29°00'00" WEST 588.20 FEET, THENCE NORTH 89°54'56" WEST 245.12 FEET; THENCE NORTH 0°22'22" WEST 514.69 FEET; THENCE SOUTH 89°56'15" EAST 533.66 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 4.60 ACRES
NOTE: THE EASTERLY LINE OF PARCEL I WAS ASSUMED TO BEAR SOUTH 29°00'00" WEST FOR THIS DESCRIPTION.
PARCEL I HAS A 30' WIDE UTILITY EASEMENT OVER THE SOUTH 30' AND OVER THE WEST 30' OF THE PARCEL.

1078 08/11/20

A-1 to R-1
Rezoning Request for Parcel ID 0901126003 for Jared Tucker on behalf of JCLJ Ventures, LLC located at 12th Street NE

Legal Description:
Lot 17 in the Sub-division of the NW¼ of Sec. 1, Twp 91 N, Rge 14 W of the 5th P.M. from November 1, 1976 at 8 A.M. and abstract of title to Parcel V of Plat of Survey filed December 8, 2011, as Doc. No. 20110573, being all that part of Lot 12 E of Bridle Spur Estates in the Subdivision of the NW¼ of Sec. 1, Twp 91 N, Rge 14 W of the 5th P.M., in the City of Waverly, Bremer County, Iowa, also known as Parcel T of County Records (Doc. 20082425) further described in said Plat of Survey Doc. 20110573 recorded in the Office of the Recorder of Bremer County, Iowa.

1091 07/27/21

A-1 to M-2
Rezoning Request for Parcel ID 0533300012 and Parcel ID 0533300010 for Croell Inc. located along the east side of 35th Street (Hwy Business 218) in the northwest part of Waverly.

Legal Description- Parcel 0533300012:

All that part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 33, Township 92 North, Range 14 West of the 5th P.M., lying East of US Highway 218/35th Street NW and South of the former Chicago and North Western Transportation Company right of way, Bremer County, Iowa

And

Legal Description-Parcel 0533300010

A strip of land extending over and across the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 33, Township 92 North, Range 14 West of the 5th P.M., the Northerly side of said strip being a line 50 feet Northerly and parallel to the center line of the main track (now removed of the Iowa Pacific Railroad Company (later the Mason City & Fort Dodge Railway Company, the Chicago Great Western Railway Company, now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Section 33, and the Southerly side of said strip being a line 75 feet Southerly and parallel to the center line of the relocated main tract (now removed) of said Railroad, as said main track center line was relocated and reestablished over and across said Section 33, and lying East of US Highway 218/35th Street NW, Bremer County, Iowa

1092 08/24/21

Rezoned to either R-1, R-2, or U-1

Rezoning of multiple properties abutting or located within the Dry Run Creek Waterway in southwest and northwest Waverly.

Legal Descriptions:

U-1 to R-1

Parcel ID 0902332019

Lots 2 and 3 and all that part of Lot 4 lying S of a line drawn E and W through said Lot 4 parallel with and 11 feet S of the S line of Lot 16 and a continuation or extension W thereof to the W line of said Lot 4, all in Bolton Addition to Waverly, Iowa, except W 10 feet of Lot 2.

U-1 to R-2

Parcel ID 0902305013

Lots Three (3) and Four (4), in Block Five (5), except the South 57 ¾ feet in width thereof, in I. H. Sturdevant's Addition to Waverly, Iowa,

AND, also except:

Beginning at the Northeast corner of said Lot 3; thence South 1°39'17" East, 74.44 feet along the Easterly Line of said Lot 3 to the Northerly line of the said South 57.75 feet of Lot 3; thence South 88°38'29" West, 25.00 feet along said Northerly line; thence North 1°39'17" West, 74.39 feet parallel with said Easterly line to the Northerly line of said Block 5; thence North 88°31'24" East, 25.00 feet to the point of beginning; containing 1860 square feet as shown on the Plat of Survey recorded as Document No. 20150171.

Parcel ID 0902302006

The North One-half (N ½) of Lots One and Two (1 & 2), and the North Eighteen Inches (N 18") of the South One half (S ½) of Lots One and Two (1 & 2), in Block Two (2), I.H. Sturdevant's Addition to Waverly, Iowa

Parcel ID 0902309003
The North ½ of Lots 1 and 2 in Block 8, I. H. Sturdevant's Addition to Waverly, Iowa

Parcel ID 0902306004
Lot 1, Block 6, in I.H. Sturdevant's Addition to Waverly

R-2 to U-1
Parcel ID 0902310005
Lot 1, Block 7 in Ira H. Sturdevant's Addition to Waverly, Iowa, except that part thereof deeded to the Waverly Short Line Railroad Company

Parcel ID 0902302003
The South half (S ½) of Lot Three (3) and the South Seventy and one-half (S 70 ½) feet of Lot Four (4), Block Two (2), in I. H. Sturdevant's Addition to Waverly, Iowa

Parcel ID 0902302001
North 61 ½ feet of Lot 4, Block 2, I. H. Sturdevant's Addition to Waverly, Iowa

Parcel ID 0902302004
N1/2 of Lots 5 and 6 in Block 2 in I. H. Sturdevant's Addition to the town (now city) of Waverly, Iowa

Parcel ID 0902302005
The S ½ of Lots 5 and 6 in Block 2, in I. H. Sturdevant's Addition to Waverly, Iowa

Parcel ID 0903242004
South One-half (S ½) of Lots Five (5) and Six (6), Block Forty-nine (49), Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903242003
The North half of lots 5 and 6 Block 49 Harmon & LeValley's Addition to Waverly, Iowa.

Parcel ID 0903242002
The South 1.07 chains of Lots Three (3) and Four (4) in Block Forty-nine (49) in Harmon and LeValley's Addition to Waverly, Iowa

Parcel ID 0903242001
Lots 3 and 4, except the S 1.07 chains thereof in Block 49, Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903238010
The S ½ of Lots 5 and 6, Block 50, Harmon & LeValley's Addition to Waverly, Iowa, and The South 20 feet of the N ½ of Lots 5 and 6, Block 50, Harmon & LeValley's Addition to Waverly, Iowa.

Parcel ID 0903233004
The South half (S ½) of Lots Five (5) and Six (6) Block Fifty-one (51) in Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903233003
The N ½ of Lots 5 and 6, Block 51, Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903233002
Lots 3 and 4 except N 71 feet, Block 51, in Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903233001
The North 71 feet of Lots 3 and 4, Block 51, Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903228002
The South 88 feet of Lots 5 and 6, Block 52, Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903228001
Lots 5 and 6 in Block 52 in Harmon & LeValley's Addition to the City of Waverly, Iowa, and a strip of land commencing at the NE corner of Lot 6 in Block 52 aforesaid, thence North to South line of Sec 34, Twp 92 N, Rge 14 W of the 5th P.M., thence West 8 rods, thence South to NW corner of Lot 5 aforesaid, thence East 8 rods to place of beginning, except the South 88 feet of said Lots 5 and 6.

Parcel ID 0534491001
Lot 3, except the E 32 feet thereof and Lot 4, Block 52 Knott's Addition to Waverly, Iowa

Parcel ID 0534486003
The South half (S ½) of Lots Five (5) and six (6). Block Fifty-three (53), Knott's Addition to Waverly, Iowa

Parcel ID 0534486002
The North one-half (N ½) of Lots (5) and Six (6), Block Fifty-three (53), Knott's Addition to the City of Waverly, Iowa

Parcel ID 0534485005
S ½ of Lots 3 and 4 in Block 56, Knott's Addition to the City of Waverly, Iowa.

Parcel ID 0902163008
That part of Lot 1 of Half Block 3 and Lot 1 of Half Block 8, together with a portion of the vacated alley in WM. STURDEVANT'S ADDITION TO WAVERLY, Bremer County, Iowa, described as follows:
Beginning at the Northeast Corner of said Lot 1 of Half Block 3; thence South 1 degree 29 minutes 36 seconds East, 279.68 feet along the Easterly line of said Half Block 3 and the Easterly line of said Half Block 8 to the Southeast Corner of said Lot 1 of Half Block 8; thence South 89 degrees 2 minutes 19 seconds West, 40.00 feet along the Southerly line of said Half Block 8; thence North 1 degree 29 minutes 36 seconds West, 279.50 feet parallel with the Easterly line of said Half Block 8 and the Easterly line of said Half Block 3 to the Northerly line of said Half Block 3; thence North 88 degrees 46 minutes 59 seconds East, 40.00 feet to the point of beginning; containing 11,183 square feet as shown on Plat recorded as Document No. 20150168.

Parcel ID 0902159002
Parcel ID 0902159010
Parcel ID 0902159011
Lots 3 and 4 in Block 9 of Wm. Sturdevant's Addition to Waverly, Iowa
Parcel ID 0903238009
Parcel ID 0903238002
Parcel ID 0903238001
Lot Three (3), Lot Four (4) and the North 46 feet of Lots Five (5) and Six (6), Block Fifty (50), in Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0902159008
The E ½ of Lot 6, also Lot 7 except the following: Commencing at the NE corner of said Lot 7, running thence West 46 feet, thence in a SErly direction to a point on the East line of said lot 57 feet South of the NE corner thereof, thence North 57 feet to the point of beginning, and also that part of Lot 8 lying West of the retaining wall of the Dry Run and described as follows:

Commencing at the SW corner of said lot 8, running thence North along the West side of said lot 40 feet, thence in a SErly direction to a point on the South line of said 24 feet East to the point of beginning, thence West 24 feet to the point of beginning, all of above being in Block Nine in Wm. Sturdevant's Addition to Waverly, Iowa,

Parcel ID 0902159014
That part of Lot 7 and Lot 8 in Block 9 in Wm. Sturdevant's Addition to Waverly, Bremer County, Iowa, described as follows:

Tract B
Beginning at the Southeast Corner of said Lot 8; thence North 1 degree 32 minutes 17 second West, 34.59 feet along the Easterly line of said Lot 8; thence South 88 degrees 27 minutes 0 seconds West, 25.00 feet; thence North 32 degrees 16 minutes 26 seconds West, 34.76 feet; thence South 88 degrees 53 minutes 20 seconds West, 11.76 feet; thence North 46 degrees 21 minutes 6 seconds West, 16.88 feet to the Westerly line of said Lot 8; thence South 1 degree 34 minutes 31 seconds East, 36.14 feet along said Westerly line to the Southwesterly line of that tract of land described in deed document 19980716 recorded in the Office of the Bremer County Recorder, thence North 88 degrees 47 minutes 29 seconds East, 42.38 feet to the point of beginning; containing 2,878 square feet as shown on the Plat of Survey recorded as Document No. 20150172.

Parcel ID 0534485004
Lot 1 in Block 56, Knott's Addition to the City of Waverly, Iowa.

Parcel ID 0534485003
Lot 2 in Block 56, Knott's Addition to the City of Waverly, Iowa.

Parcel ID 0534485002
North ½ of Lot 3 in Block 56, Knott's Addition to the City of Waverly, Iowa

Parcel ID 0534485001
North ½ of Lot 4 in Block 56, Knott's Addition to the City of Waverly, Iowa.

Parcel ID 0903283002
Parcel ID 0903284012
Parcel ID 0903284002
Parcel ID 0903284013
Parcel ID 0903284014
Parcel ID 0903284015
Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 14 in Wm. Sturdevant's Addition to Waverly, Iowa; and Lots 5 and 6, Block 13 in Wm. Sturdevant's Addition to Waverly, Iowa;
And
All that part and portion of Lots 3 and 4, Block 11 in Wm. Sturdevant's Addition to Waverly, Iowa lying South and West of the center of channel of the Dry Run, running through said lots;
And
Lots 5 and 6, Block 11 in Wm. Sturdevant's Addition to Waverly, Iowa;
And
The West One-Half of Lot 7, Block 11 in Wm. Sturdevant's Addition to Waverly, Iowa; That Part of Fifth Street SW in the City of Waverly, Iowa lying between First Avenue SW and Second Avenue SW, South of the center line of what is locally known as and presently constituted as the "Dry Run", subject to those easements

stated in a Quit Claim Deed recorded under Book 167, Page 90-91, with the Bremer County Recorder, Waverly, Iowa on May 26, 1967;
And
The West 55 feet of the alley located in Block 11 in Wm. Sturdevant's Addition to Waverly, Iowa, subject to those easements stated in a Quit Claim Deed recorded under Book 167, Page 90-91, with the Bremer County Recorded, Waverly, Iowa on May 26, 1967; and All of the alley located in Block 14 in Wm. Sturdevant's Addition to Waverly, Iowa; and That part of First Avenue SW in the City of Waverly, Iowa lying between Sixth Street SW and Fifth Street SW;
And
The alley located to the North of the East 11 feet of Lot 5, all of Lot 6, and the West One-Half of Lot 7, Block 11 in Wm. Sturdevant's Addition to Waverly, Iowa Except property described on Plat of Survey recorded as Document No. 20212898

R-3 to U-1
Parcel ID 0903246001
All that part of Lot 4 in Block 48 in Harmon & LeValley's Addition to Waverly, Iowa, which lies West of the West line of the SE ¼ of the NE ¼ of the NE ¼ of Section 3, Twp 91, Rge 14 W. of the 5th P.M., sometimes described as the West 2/3 of Lot 4 in Block 48, Harmon & LeValley's Addition to Waverly, Iowa

Parcel ID 0903246013
That part of the North Half of Lot 3 and the North Half of Lot 4 in Block 48, in Harmon & LeValley's Addition to Waverly, Bremer County, Iowa, described as follows:
Commencing at the Northwest corner of said Lot 4; thence North 88 degrees 38 minutes 29 seconds East, 44.00 feet along the Northerly line of said Lot 4 to the point of beginning; thence continuing North 88 degrees 38 minutes 29 seconds East, 22.06 feet along said Northerly line to the Northwest Corner of said Lot 3; thence continuing North 88 degrees 28 minutes 29 seconds East, 37.94 feet along the Northerly line of said Lot 3; thence South 1 degree 25 minutes 34 seconds East, 65.68 feet to the Southerly line of said North Half of Lot 3; thence South 88 degrees 38 minutes 54 seconds West, 37.85 feet along said Southerly line to the Easterly line of said Lot 4; thence continuing South 88 degrees 38 minutes 54 seconds West, 22.15 feet along the Southerly line of said North Half of Lot 4 to the Westerly line of the East One-Third of said Lot 4, sometimes described as the West line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3; Township 91 north, Range 14 West of the 5th P.M.; thence North 1 degree 25 minutes 34 seconds West, 65.67 feet along said Westerly line to the point of beginning; containing 3,941 square feet as shown on the Plat of Survey recorded as Document No. 20150174.

Parcel ID 0903246015
That part of the South Half of Lot 3 and the South Half of Lot 4 in Block 48, in Harmon & LeValley's Addition to Waverly, Bremer County, Iowa, described as

follows:
Commencing at the Northwest corner of said Lot 4; thence North 88 degrees 38 minutes 29 seconds East, 44.00 feet along the Northerly line of said Lot 4 to the Westerly line of the East One-Third of said Lot 4, sometimes described as the West line of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 3, Township 91 North, Range 14 West of the 5th P.M.; thence South 1 degree 25 minutes 34 seconds East, 65.67 feet along said Westerly line to the point of beginning; thence continuing South 1 degree 25 minutes 34 seconds East, 65.67 along said Westerly line to the Southerly line of said Lot 4; thence North 88 degrees 39 minutes 20 seconds East, 22.24 feet along said Southerly line to the Southwest Corner of said Lot 3; thence continuing North 88 degrees 39 minutes 20 seconds East, 37.76 feet along the Southerly line of said Lot 3; thence North 1 degree 25 minutes 34 seconds West, 65.68 feet to the Northerly line of said South Half of Lot 3; thence South 88 degrees 38 minutes 54 seconds West, 37.85 feet along said Northerly line to the Easterly line of said Lot 4; thence continuing South 88 degrees 38 minutes 54 seconds West, 22.15 feet along the Northerly line of said South Half of Lot 4 to the point of beginning; containing 3,941 square feet as shown on Plat of Survey recorded as Document No. 20150177.

Parcel ID 0903278005
Lots 5 and 6, Block 13 in Wm. Sturdevant's Addition to Waverly, Iowa;

C-2A to U-1
Parcel ID 0903246011
The East Half of Lot 7 and the West 5.50 feet of Lot 8 in Block 48, in Harmon & LeValley's Addition to Waverly, Bremer County, Iowa; containing 6,169 square feet as shown on Plat of Survey recorded as Document No. 20150173.

Parcel ID 0903246005
Lots 5 and 6 and the West ½ of Lot 7 in Block 48, Harmon & LeValley's Addition to Waverly, Iowa.

Parcel ID 0903278001
The West 58 feet of Lot 4, Block 13, Wm. Sturdevant's Addition to Waverly, Iowa.

1093 08/10/21 A-1 to R-1
Rezoning Request for Parcel Q located on Fairholm Drive for Dean and Betty Schilling.

Legal Description- Parcel Q:

Parcel Q in the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 36, Township 92 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of Fairholm Addition, as recorded in Plat Cabinet A, Slide 84, on file in the Bremer County Recorder's office, Waverly, Iowa;

Thence **South 89°05'17" West, 176.65 feet** along the North Line of said Fairholm Addition to the Southwest Corner of Deed Description, as recorded in Document #2013-6092, on file in the Bremer County Recorder's office, Waverly, Iowa and the Point of Beginning;

Thence continuing **South 89°05'17" West, 384.11 feet** along said North Line to the Northwest Corner of said Fairholm Addition and the Centerline of Bremer Road;

Thence **North 15°53'33" East, 340.14 feet** along said Centerline to the Southwest Corner of a Deed Description, as recorded in Document #2020-5591, on file in the Bremer County Recorder's office, Waverly, Iowa;

Thence **North 88°51'47" East, 385.32 feet** along the South Line of said Deed and the Easterly Extension thereof to the Northerly Extension of the West Line of said Deed, as recorded in Document #2013-6092;

Thence **South 16°00'46" West, 341.94 feet** along said Extension and West Line thereof to the Point of Beginning.

Containing **2.88 Acre(s),** including 0.39 Acre(s) of Bremer Road Right-of-Way, subject to any easements recorded or unrecorded.

Ingress-Egress Easement in the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 36, Township 92 North, Range 14 West of the 5th P.M., City of Waverly, Bremer County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of Fairholm Addition, as recorded in Plat Cabinet A, Slide 84, on file in the Bremer County Recorder's office, Waverly, Iowa;

Thence **South 89°05'17" West, 176.65 feet** along the North Line of said Fairholm Addition to the Point of Beginning;

Thence continuing **South 89°05'17" West, 62.72 feet** along said North Line;

Thence **North 16°00'46" East, 341.68 feet** to the North Line of Parcel Q, as shown on this Plat of Survey;

Thence **North 88°51'47" East, 62.79 feet** along the North Line of said Parcel Q to the Northeast Corner thereof;

Thence **South 16°00'46" West, 341.94 feet** along the East Line of said Parcel Q to the Point of Beginning.

Containing **0.47 Acre(s) (20,509 Square Feet),** subject to any other easements recorded or unrecorded.

1094 09/28/21

<u>C-2 and A-1 to M-2</u>

Rezoning Request for Parcel ID 0901403009 located at 2203 East Bremer and Parcel ID 0901426006 for Steve Baker on behalf of Baker Enterprises Inc.

Legal Description:
A portion of Lot 6 of the Auditor's Plat of the East Half (E 1/2) of Section 1, Township 91 North, Range 14 West of the 5th PM in Bremer County, Iowa further described as follows:

Beginning at a rebar found at the Southeast corner of said Lot 6; thence

North 90°00’00” West 1300.20 feet to a rebar recorded to be 1300 feet West of the Southeast corner of said Lot 6; thence North 02°09’48” West 350.00 feet; thence North 86°14’09” East 12.94 feet; thence North 15°04’31” East 329.88 feet; thence North 17°26’28” East 95.00 feet (previously recorded to be North 18°04’45” East 95.00 feet) to the Southerly right of way line of the abandoned railroad (former Waterloo, Cedar Falls and Northern Railway Co.); thence Southeasterly 1080.42 feet along a 5779.65 foot radius curve concave Northerly with a chord definition of South 78°22’36” East 1078.85 feet; thence south 83°51’02” East 120.33 feet to a rebar recorded to be at the Northeast corner of said Lot 6; thence South 01°04’02” East 529.60 feet (previously recorded as 529.3 feet) to the point of Beginning. (Said parcel containing 18.43 acres more or less).

AND

A part of Lot 6, Auditor’s Plat of the East Half of Section 1, Township 91 North, Range 14 West of the 5th P.M., described as follows: Beginning at a point on the South Line of the North Half of the Southeast Quarter of Section 1, Township 91 North, Range 14 West of the 5th P.M., said point being 1,320 feet North and 1,700 feet west of the Southeast corner of said Section 1, running thence East 400 feet, thence North 1°44’ West 350 feet, thence North 78°40’ West 222.33 feet, thence North 30°09’ West 74.1 feet, thence South 38°59’ West 200 feet, thence South 51°16’ East 75 feet, thence South 38°59’ West 86 feet, thence South 35°29’ East 21.15 feet thence South 23°55’20” East 25 feet thence South 12°12’10” East 25 feet, thence South 18°13’30” West 25 feet, thence South 35°26’00” West 25 feet, thence South 38°24’00” West 71.75 feet to the North right of way line of Iowa State Highway No. 3, thence South 49°09’00” East 35.35 feet along said right of way line to the point of beginning.

1105 06/28/22 <u>Rezoned to either C-2, C-3, or U-1</u>

Rezoning of multiple properties in Waverly to more accurately reflect the current use of the properties.

Legal Descriptions:

<u>U-1 to C-2:</u>

200 1st Street NE- Parcel ID 0902131013

Commencing at the Southwest corner of Lot 3, Block 7 of the Original Town of Waverly; Thence East sixty-six (66) feet; Thence north sixty-six (66) feet to the North line of Lot 3, Block 7 of the Original Town; Thence East to the Northeast corner of Lot 3, Block 7 of Original Town; Thence North on the East line of Lots 4 and 5 to the Northeast corner of Lot 5, Block 7 of Original Town; Thence West sixty-two (62) feet on the North line of Lot 5; Thence North on a line parallel to the East line of Lot 6, Block 7 or Original Town to the North right-of-way line of Second Avenue Northeast; Thence West to the East right-of-way line of First Street Northeast; Thence North on the East right-of-way line of First Street Northeast to

the East edge of the Cedar River; Thence Southwesterly along the East edge of the Cedar River to the projected North right-of-way line of First Avenue northeast; Thence East to the Point of Beginning.

U-1 to C-3:
117 1st Street NE- Parcel ID 0902130002
Lot 7; Lot 8, except commencing at the NW corner of Lot 6, thence northerly along the continuation of the west line of said Lot 6, 40 feet, thence east parallel with the north line of said Lot 6 to a point on the northerly continuation of said Lot 6 40 feet north of the NE corner of said Lot 6, thence south to the NE corner of said Lot 6, thence west along the north line of said Lot 6 to the point of beginning, and including the platted alley within Lot 8; Lot 9 and that part of Lot 10 lying south of the north line of First Avenue NE extended west, all in Fractional Block 2, in the city of Waverly, Iowa as originally platted by Wm. P. Harmon.

R-2 to U-1:
214 4th Street SW- Parcel ID 0903284009
Lot 8 and the E1/2 of Lot 7, in Block 11, Wm. Sturdevant's Addition to Waverly, Iowa, except commencing at the SW corner of said Lot 7, thence S 89° 45 ½' E 75 feet along the S line of said Lots 7 and 8 to the Point of Beginning; thence continuing East along said South line to the SE corner of said Lot 8, thence N 54.9 feet along the E line of said Lot 8, thence S 46° 13 ½' W 78.9 feet to the point of beginning.

Parcel ID 0903284010
A parcel of land located in part of Lot 8, Block 11, Wm. Sturdevant's Addition to the City of Waverly, in Bremer County, Iowa, as shown on Right of Way Plat Exhibit "A" attached hereto and by reference made a part hereof, and being more particularly described as follows:
Commencing at the SW Corner of Lot 7 in said Block 11; thence S89°45 1/2' E, 75.0 ft. along the south line of said Lots 7 and 9 to the Point of Beginning; thence continuing S89°45 ½' E, 57.0 ft. along the south line of said Lot 8 to the SE Corner thereof; thence N00°00' W, 54.9 ft. along the east line of said Lot 8; thence S46°13 ½' W. 78.9 ft. to the Point of Beginning, containing 1563 sq. ft.

R-1 to U-1:
903 1st Street SW- Parcel ID 0902352001
Commencing 2 rods East and 4 rods South of the Northwest corner of Lot 4 of the Sub-division of the SW ¼ of Sec 2, Twp 91 N, Rge 14 W of the 5th P.M. as shown in Plat Book A, page 27 running thence South 66 feet along the East line of 1st Street SW, in the City of Waverly, Iowa, thence East 132 feet, thence North 66 feet, parallel to the East line of 1st Street SW, to the South side of Public Street, thence Wets along the South side of said Public Street 132 feet to the point of beginning.

100 7th Avenue SE- Parcel ID 0902376001
The West 60 feet of Lot 1, Block 1 in Jahnke Addition to Waverly, Iowa, and commencing at the NW corner of Lot 1, Block 1, Jahnke Addition to Waverly, Iowa,

running thence N87°55’ W 31.75 feet, thence S 0°0’ 132 feet, thence S 87°55’ E 31.75 feet to the SW corner of said Lot 1, thence N 0°0’ 132 feet along the W line of said Lot 1 to place of beginning, being a part of Lot 5 in Subdivision of SW ¼ of Sec. 2, Twp 91 N, Rge 14 W. of the 5th P.M., Bremer County, Iowa.

915 Harlington Place- Parcel ID 0902376008
Lot Seven (7) and Lot Eight (8), except the South Forty (40) feet of said Lot Eight (8), in “Shipp’s Addition” to Waverly, Iowa

817 4th Street SE- Parcel ID 0902451002
Beginning at a point 330 feet North and 986.25 feet West of the Southeast corner of the N ½ of the SW ¼ of the SE ¼ of Sec 2, Twp 91 N, Rge 14 W. of the 5th P.M., thence South 2°02’ East 115 feet, thence West 300.00 feet to the East right-of-way line of Fourth Street Southeast, Waverly, Iowa thence North 2°02’ West 115 feet along said right-of-way, thence East 300.00 feet to the point of beginning.

609 Crestwood Avenue- Parcel ID 0902451009
The East 310 feet of the South Half (S1/2) of the North Half (N1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 2, Township 91 North, Range 14 West of the 5th P.M., except the following: Commencing at a point 645.3 feet South of the Northeast Corner of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of said Section 2, running thence South 88°50’ West 142 feet; thence North 142 feet; thence North 88°50’ East 142 feet; thence South 142 feet to the point of beginning.

703 Crestwood Avenue- Parcel ID 0902451011
Beginning at a point 654.3 feet S of the SE corner of the NW ¼ of the SE ¼ of Sec 2, Twp 91 N, Rge 14 W of the 5th P.M., thence S 88°50’ W 132 feet, thence N 132 feet, thence N 88°50’ E 132 feet, thence S 132 feet to the point of beginning, and, that part of the N ½ of the SW ¼ of the SE ¼ of Sec 2, Twp 91 N, Rge 14 W of the 5th P.M., in the City of Waverly, Bremer County, Iowa further described as follows: Beginning at a point that is 503.3 feet S of the SE corner of the NW ¼ of the SE ¼ of Sec 2; thence S 00°00’ E 10.00 feet; thence S 88°50’ W 132.00 feet; thence S 00°00’ W 132.00 feet; thence S 88°50’ W 10.00 feet; thence N 00°00’ E 142.00 feet; thence N 88°50’ E 142.00 feet to the point of beginning.

Parcel ID 0911200015
The Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Eleven (11), Township Ninety-one (91) North, Range Fourteen (14) West of the 5th P.M., excepting the South 19 Acres thereof, and excepting also all of said land lying East of low water mark on East side or bank of the Cedar River.

Parcel ID 0911200028
Part of the NE ¼ of the NE ¼ of Section 11, TWP. 91 N Range 14 W of the 5th P.M., Bremer County, Iowa, more particularly described as follows:
Commencing at the Northeast (NE) corner of said Section 11; thence on an assumed bearing along the East line of the NE ¼ of the NE ¼ of said Section 11, S00°26’11” E,

169.72 Feet to the South line of the North 170 feet of the NE ¼ of the NE ¼ of said Section 11 and the point of beginning (P.O.B.); thence continuing S 00°26'11" E along said East line 9.35 feet; thence S 79°19'48" W, Approximately 409.30 feet to the Cedar River; thence approximately N 15°25'48" W along the Cedar River, approximately 75.02 feet to the South line of the North 170 feet of the NE ¼ of the NE ¼ of said Section 11; thence N 88°15'41" E along said South line, 422.31 feet to the P.O.B. containing 0.40 acres more or less. Subject to any easements recorded or unrecorded. Shown on the acquisition plat recorded as Document No. 20180432, Bremer County Records.

Parcel ID 0911200010
The North 170 feet of all that part of the Northeast Quarter of the Northeast Quarter of Section Eleven (11) lying East of the Cedar River in Township 91 North, Range 14 West of the 5th P.M., Bremer County, Iowa.

Parcel ID 0902477011 and Parcel ID 0901351005
Parcels #1 and #2 in the Southwest Quarter of the Southwest Quarter of Section One (1) and Parcel #3 in the Southeast Quarter of the Southeast Quarter of Section Two (2) according to Acquisition Plat filed September 18, 2014 as Doc. No. 20143497, Bremer County records; and The West one-half (1/2) of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section Two (2) and the East one-half (1/2) of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section Two (2), lying East of the Cedar River, all of the above being in Township 91 North, Range 14 West of the 5th P.M., Bremer County, Iowa.

Parcel ID 0912101006 and Parcel ID 0912101007
Lots 8 in the Subdivision of the North Half of the Northwest Quarter of Section Twelve (12) and Part of Lot 9 in the Subdivision of the North one-half of the Northwest Quarter of Section Twelve (12), lying North of a fence as now located, further described as follows: Beginning at the Northwest corner of said Lot 9; thence South 89°31'55" East 330.04' to the Northeast of said Lot 9; thence south 0°07'45" East 27.00 feet along the East line of said Lot 9 to the existing fence line; thence South 87°10'20" West 330.42 feet to the West line of said Lot 9; thence North 0°05'30" West 46.00 feet to the point of beginning, in Township 91 North, Range 14 West of the 5th P.M., Bremer County, Iowa.

1112 11/29/2022 <u>R-2 to C-2</u>

Rezoning Request for the North Section of Parcel ID 1007101024 for Matt Wells on behalf of Wells Hollow Landscaping, LLC.

Legal Description:
That part of the NW¼ of Section 7, T91N, R13W of the 5th P.M., in Waverly, Bremer County, Iowa, and described as:

Parcel E, according to Plat of Survey recorded as Doc. No. 20070286 (Parcel #1007101024), excepting therefrom Parcel G, according to Plat of Survey recorded as Doc. No. 20111183 (Parcel #1007101023); and further excepting that part of Parcel E that is south of a line drawn from the intersection of the easterly line of Parcel E with the north right of way line of Monaghan Drive and extended west to the westerly line of Parcel E.

1126	05/23/2023	R-4 to R-2 Legal Description for Rezoning application of Parcels 0911101026 and 0911126007 The N½ of NW¼ of Sec 11, Twp 91 N, Rge 14 W of the 5th P.M. except the N 275' of the W 264' thereof and except the following: Beginning 275.00' S of the NW corner of Sec 11, thence N 89°35'00" E 786.97', thence S 1044.60'; thence S 89°20'40" W 787.00', thence N 1047.88' to the point of beginning, and except Eliasen Addition described in Plat Proceedings, Doc. No. 19952488, recorded in the Office of the Recorder of Bremer County, Iowa, and except Parcel I described in Survey, Doc. No. 20012729, recorded in the Office of the Recorder of Bremer County, Iowa, and, except lands deeded to the City of Waverly, Iowa, described in Doc. No. 20002654, Doc. No. 20002868 and Doc. No. 20143023, all recorded in the Office of the Recorder of Bremer County, Iowa, except that part platted as Omni Development First Addition, Waverly, Bremer County, Iowa, Doc. No. 20161217 and Omni Development Second Addition, Waverly, Bremer County, Iowa, Doc. No. 20161218 and except Parcel "SS", that part of the NW ¼ of Sec 11, Twp 91 N, Rge 14 W of the 5th P.M., City of Waverly, Iowa, described in Survey, Doc. No. 20182374, recorded in the Office of the Recorder of Bremer County, Iowa.
1132	10/10/2023	R-4 to C-1 Lot 4, the W 54 feet of Lot 3, the N 16 feet of Lot 5 and the N 16 feet of the W 54 feet of Lot 6; and all that part of the alley lying between Lot 4 and the W 54 feet of Lot 3, all in Block 19 in Wm. Sturdevant's Addition to Waverly, Iowa, as originally platted.
1145	06/25/2024	R-3 to R-2 Lot 1, Block 7, Juhl's Third Addition to Waverly, Iowa.
1146	07/09/2024	R-3 to R-2 Lot 19, Replat of Centennial Oaks Estates, City of Waverly, Bremer County, Iowa.
1148	07/09/2024	R-1 to R-2 Commencing at the SW corner of Lot 19 in the Subdivision of a part of the NE¼ of Section 2, Township 91 North, Range 14 West of the 5th P.M., as platted by Frederick Cretzmeyer and as shown by plat recorded in Book "C" of Deeds, page 245, records of Bremer County, Iowa running thence North 132 feet, thence East 111 feet, thence South 132 feet, thence West 111 feet to place of beginning.
1149	07/09/2024	A-1 to M-1 PARCEL "I", BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 33, TOWNSHIP 92 NORTH, RANGE 14 WEST OF THE 5TH P.M., IN THE CITY OF WAVERLY, BREMER COUNTY IOWA FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 33; THENCE NORTH 89°18'00" EAST [PREVIOUSLY RECORDED AS NORTH 89°58'20" EAST]

		210.87 FEET AND NORTH 00°51'33" WEST [PREVIOUSLY RECORDED AS NORTH 00°11'55" WEST] 60.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF FORMER HIGHWAY 218 AND THE SOUTHEAST CORNER OF PARCEL "E" AS RECORDED IN DOCUMENT 2011-0210 OF THE COUNTY RECORDER; THENCE NORTH 00°51'33" WEST [PREVIOUSLY RECORDED AS SOUTH 00°11'55" EAST] 705.00 FEET ALONG THE EAST LINE OF SAID PARCEL "E"; THENCE NORTH 89°19'09" EAST 188.18 FEET, TO THE WEST LINE OF PARCEL "D" AS RECORDED IN DOCUMENT 2008-0501 OF THE COUNTY RECORDER; THENCE SOUTH 00°26'39" EAST [PREVIOUSLY RECORDED AS NORTH 00°26'34" WEST] 705.00 FEET ALONG SAID WESTERLY LINE TO THE SOUTHWESTERLY CORNER OF SAID PARCEL "D" ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF FORMER HIGHWAY 218; THENCE SOUTH 89°19'09" WEST 183.07 FEET TOTHE POINT OF BEGINNING; CONTAINING 3.00 ACRES. PARCEL IS SUBJECT TO A "UTILITY" AND "INGRESS - EGRESS" EASEMENT OVER THE WESTERLY 33 FEET OF SAID PARCEL FOR UTILITES AND ACCESS TO THE REMAINDER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33.
1166	05/27/2025	<u>R-1 to R-4</u> Parcel ID 1007101027 Legal Description: Parcel D - That part of the NW¼ of the NWfrl¼ of Sec 7, Twp 91 N, Rge 13 W of the 5th P.M., City of Waverly, Bremer County, Iowa, described as follows: Beginning at a point 233.00 feet E of the W line of said NWfrl¼ and 61.32 feet S of the N line of said NWfrl¼ said point being on the Srly right of way line of Iowa Hwy. No. 3; thence S 89°10'54" E along said Srly right of way line a distance of 748.79 feet; thence S 89°21'53" E along said Srly right of way line a distance of 183.95 feet; thence S 01°24'30" E a distance of 203.05 feet; thence S 12°27'31" W a distance of 739.40 feet; thence S 01°22'55" E a distance of 305.83 feet to the S line of the NW¼ of said NWfrl¼; thence S 88°37'05" W along said S line a distance of 788.38 feet to the E line of the W 233.00 feet of said NWfrl¼; thence N 00°07'13" E along said E line a distance of 1262.46 feet to the point of beginning, except the following: The N 280 feet of said Parcel D described hereinabove, as recorded in the Plat of Survey filed January 19, 2007 as Document 2007 285 in the Office of the Bremer County Recorder.

1168	06/24/2025	Residential to U-1 Legal Descriptions: **101 8th Parkway:** Lot 4 in Block 1, Crestwood Park Addition to Waverly, Iowa **109 8th Parkway:** Lot Two (2), Block One (1), Crestwood Park Addition to Waverly, Iowa **113 5th Avenue SW:** Lot 3, Block 6, I. H. Sturdevant's Addition to Waverly, Iowa **114 6th Avenue SW:** Lot Six (6) in Block (6) of I. H. Sturdevant's Addition to Waverly, Iowa **116 5th Street SW** N ½ of Lots 7 and 8 in Block 13 in Wm. Sturdevant's Addition to Waverly, Iowa **117 6th Street NW** Lots One (1) and Two (2), Block Sixty-one (61), in Harmon & LeValley's Addition to Waverly, Iowa, except the North sixty-eight (68) feet thereof. **120 3rd Street SW** Lot 8, Block 7, Wm. Studevant's Addition to Waverly, Iowa **120 6th Avenue SW** Lot Five (5) in Block Six (6), I. H. Sturdevant's Addition to Waverly, Bremer County, Iowa **122 5th Street SW** The S ½ of Lots 7 and 8 in Block 13 in Wm. Sturdevant's Addition to Waverly, Iowa **201 8th Parkway** Lot Three (3), Block Two (2), "Crestwood Park Addition" to Waverly, Iowa **203 7th Ave SW** Lot One (1) in Block Eleven (11) I.H. Sturdevant's Addition to Waverly, Iowa **204 2nd Avenue NW** South Half (S ½) of Lots Seven (7) and Eight (8), Block thirty-four (34), Harmon and LeValley's Addition to Waverly, Iowa **207 7th Ave SW** Lot Two (2), Block Eleven (11) I. H. Sturdevant's Addition to Waverly, Iowa **208 7th Avenue SW** Lot Seven (7), Block Eight (8), Ira H. Sturdevant's Addition to Waverly, Iowa **209 8th Parkway SE** Lot 1, Block 2, Crestwood Park Addition, to Waverly, Iowa **212 1st Avenue SW** Lot 6 in Block 6, Wm. Sturdevant's Addition to Waverly, Iowa **212 4th Avenue SE** Lot Fifteen (15) in Jacob Hess' Addition to Waverly, Iowa **214 7th Avenue SW** Lot Six (6) in Block Eight (8) in I. H. Sturdevant's Addition to Waverly, Iowa

215 2nd Avenue NW
Commencing at a point 95 feet W of the NE corner of Block 35, Harmon & LeValley's Addition to Waverly, Iowa, thence running W along the N side thereof 78 feet; thence S parallel to E line thereof to S line of N ½ of Lot 3 of said Block 35; then E parallel to N line thereof 78 feet; thence N parallel to E line thereof to place of beginning,

215 7th Avenue SW
Lot Three (3) in Block Eleven (11) in Ira H. (or I. H.) Sturdevant's Addition to Waverly, Iowa

220 7th Avenue SE
Lot Four (4), Block Two (2), in Jahnke Addition to Waverly, Iowa

221 7th Avenue SW
Lot Four (4) in Block Eleven (11) in I. H. Sturdevant's Addition to Waverly, Iowa

303 4th Street NW
Lot Eight (8) in Block Forty-five (45) of Harmon & LeValley's Addition to Waverly, Iowa

303 7th Avenue SW
Lot One (1) in Block Ten (10) Ira H. Sturdevant's Addition to Waverly, Iowa, except the East 15.3 feet of Lot One (1).

306 3rd Avenue NW
Lot 7, Block 40, Harmon & LeValley's Addition to Waverly, Iowa

306 7th Avenue SE
Lot 1 except Parcel B described as the West 94.09 feet of Lot 1, Block 3, Jahnke Addition to Waverly, Iowa.

309 6th Avenue SE
Lot 9 and the West 42 feet of Lot 8, Block 2, in the Brooks and Woodruff Addition to Waverly, Iowa.

309 7th Avenue SW
Lot Two (2), Block Ten (10), Ira H. Sturdevant's Addition to Waverly, Iowa.

314 2nd Avenue NW
Lots Five (5) and Six (6) in Block Thirty-nine (39) in Harmon & LeValley's Addition to Waverly, Iowa, except the following: commencing at the Northwest Corner of said Lot five (5) above, running thence South on West line of said Lot to Southwest corner thereof, thence East on South line of said Lot 50.10 feet, Thence in a Northerly direction 74.56 feet to meet a line running 16.58 feet in a Westerly direction from a point on East line of said Lot which point is 57.08 feet South of Northeast corner of said Lot, thence Easterly said 16.58 feet to such point above on said East line of said Lot to the Northeast Corner of same, thence West on North line of said Lot to the place of beginning

316 5th Street NW
South half (S ½) of Lots Three (3) and Four (4) in Block Forty-five (45), Harmon & LeValley's Addition to Waverly, Iowa

317 4th Street NW
The South One-Half (S ½) of Lots One (1) and Two (2), Block Forty-Five (45), Harmon and LeValley's Addition to Waverly, Iowa

320 4th Street NW
Lot 4 in Block 39 in Harmon & LeValley's Addition to Waverly, Iowa

322 3rd Avenue NW
Lot Five (5) in Block Forty (40) in Harmon and LeValley's Addition to Waverly, IA

401 5th Street SW
Lot 4 in Half Block 4, Wm. Sturdevant's Addition to the City of Waverly, Iowa

403 1st Street NW
Lot Eight (8), Block Thirty-two (32), Harmon and LeValley's Addition to Waverly, Iowa, except the North Fifty-seven (57 feet thereof.

403 Crestwood Avenue
Commencing at the point of intersection of the E line of Fourth Street S.E., Waverly, Iowa, and the N line of Erly extension of Crestwood Avenue, Waverly, Iowa, running thence E along the N line of said Erly extension of said Crestwood Avenue, 150', thence N parallel with said E line of Fourth Street, S.E., 100', thence W parallel with the N line of said Crestwood Avenue, extended 150' to the E line of said Fourth Street S.E., thence S along said E line 100' to place of beginning, in the S ½ of N ½ of SW ¼ of SE ¼ of Sec 2, Twp 91 N, Rge 14 W of the 5th P.M., all in the City of Waverly, Iowa

404 5th Street SW
Lot One (1) and 16 feet off the East side of Lot Two (2) in Half Block Five (5) in Wm. Sturdevant's Addition to Waverly, Iowa, except the South 56 ½ feet thereof.

407 1st Avenue NW
The North Half (N ½) of Lot Two (2) in Block Forty-Seven (47), Harmon & LeValley's Addition to the City of Waverly, Iowa

408 2nd Avenue NW
Lot Seven (7), Block Forty-five (45) in Harmon & LeValley's Addition to Waverly, Iowa

414 4th Street NW
The South Fifty (50) feet of Lot Four (4) in Block Forty (40) in Harmon and LeValley's Addition to Waverly, Iowa.

421 2nd Street SW
Lots Three (3) and Four (4) in Half Block Ten (10) Wm. Sturdevant's Addition to Waverly, Iowa, except the North Sixty and one-half (60 ½) feet thereof.

421 3rd Street SW
S ½ Lots 3 and 4 in Half Block 9, of Wm. Sturdevant's Addition to Waverly, Iowa

422 1st Avenue SW
Lot 5 except the North 32 feet of the West 38 feet, in Block 12 of Wm. Sturdevant's Addition to Waverly, Iowa

423 1st Street NW
Lot One (1), Block Thirty-two (32), Harmon and LeValley's Addition to Waverly, Iowa.

		500 1st Street SE Lot 25 of Jacob Hess' addition to Waverly, Iowa, and Lots 23 and 24 of Jacob Hess' Addition to Waverly, Iowa, except the following described tract, to-wit: Commencing at a point 72 feet S of the NE corner of said Lot 23, thence S 82 feet along the E boundary line of said Lot 23 to a point 8 inches N of a wood fence, thence SWrly at an angle of approximately 82° W of S along a line parallel to and at all points 8 inches NWrly of said fence and an extended line thereof, to the W boundary line of said Lot 24, thence N along said W boundary line of said Lots 24 and 23 to a point 72 feet S of the N line of said Lot 23, (or an extension of said N line W), thence E to the place of beginning, and except the N 72 feet of said Lot 23; also the W 44 feet of what was formerly known as the Extension of First Street SE, of the City of Waverly, Iowa, from the S line of Fourth Avenue, SE, to the Cedar River, **502 2nd Avenue NW** The South one-half (S ½) of Lots Seven (7) and Eight (8) in Block Fifty (50) in Harmon & LeValley's Addition to Waverly, Iowa **507 2nd St SE** Lot 13, except the South 43 feet thereof in Jacob Hess' Addition to the Town of Waverly, Iowa **508 2nd Street SE** The South one-half (S ½) of Lots Eleven (11) and Twelve (12), Jacob Hess' Addition to the City of Waverly **510 4th Avenue NW** Lot Seven (7), Block Fifty-Two (52) Harmon & LeValley's Addition to Waverly, Iowa **514 3rd Street SE** Lot Twenty-two (22) in Jacob Hess' Addition to Waverly, Iowa **515 2nd St SE** The South 43 feet of Lot 13, in Jacob Hess' Addition to the Town of Waverly **516 2nd Street SE** Lot 20 and the E ½ of Lot 19 in Jacob Hess' Addition to Waverly, Iowa **517 2nd Street SE** Lot Twenty-one (21) in Jacob Hess' Addition to the City of Waverly **523 6th Street NW** Lot 1 in Block 57 of Knott's Addition to Waverly, Iowa **601 2nd St SW** Lot Four (4), Block Six (6), I.H. Sturdevant's Addition to Waverly, Iowa **601 3rd Street SE** Lot Ten (10) and Eleven (11), Block Two (2) in the Brooks and Woodruff Addition to Waverly, Iowa **703 7th Street NW** Lots 7 and 8 Block 68, Knott's Addition to Waverly, Iowa **708 4th Street SE** Lot Eight (8), Block One (1) of the Redivision of a part of the Brooks and Woodruff Addition to Waverly, Iowa

710 2nd Street SW
The South one-half (S1/2) of Lots One (1) and Two (2) in Block Eight (8) in Ira H. Sturdevant's Addition to the town (now city) of Waverly, Iowa

720 2nd Street SW
Lot Eight (8) in Block Eight (8) I.H. Sturdevant's Addition to Waverly, Iowa

725 2nd Street SW
S 1/2 of Lots 5 and 6 in Block 7, I.H. Sturdevant's Addition to Waverly, Iowa

725 3rd Street SW
Lot Five (5), Block Eight (8), in I. H. Sturdevant's Addition to Waverly, Iowa

803 2nd Street SW
The North 66 feet of Lots 2, 3, and 4 in Block 12, in I. H. Sturdevant's Addition to Waverly, Iowa

806 4th Street SE
Lot 1, Block 3, in "Crestwood Park Addition" to Waverly, Iowa

921 1st Street SW
Lot Two (2) "Shipp's Addition to Waverly, Iowa

1501 Horton Road
Parcel "C" described as follows: A parcel of land located in a portion of the NE ¼ of the NE ¼ of Sec. 34, Twp. 92 N, Rge. 14 W of the 5th P.M. of Bremer County, Iowa and further described as follows: Commencing at the NE corned of the NE ¼ of Sec. 34, thence S 00°11'54" E 742.84 feet along the E line of the NE ¼ of the NE ¼; thence S 89°13'00" W 525.00 feet to the point of beginning; thence S 01°17'08" E 559.02 feet; thence S 89°13'00" W 389.90 feet; thence N 00°47'00" W 559.00 feet; thence 89°13'00" E 385.00 feet to the point of beginning.

1605 Cedar Lane
Commencing at an iron pin in the SE ¼ of the NW ¼ of Sec 35, Twp 92 N., Rge 14 West of the 5th P.M., where the Southerly line of the public highway known as County Road No. 263, intersects the Easterly line of the abandoned right-of-way of the Chicago Great Western Railroad, thence Southwesterly along the Easterly line of said former railroad right-of-way 215 feet, thence Westerly 80 feet, thence Northwesterly 85 feet to the Southerly line of said public highway, thence Easterly along said Southerly line of said highway 179 feet to the place of beginning.

2200 12th Street NW
The North 150 feet of the W ½ of the NE ¼ of Sec 34, Twp 92 North Rge 14 West of the 5th P.M. Parcel 0902401003 Commencing at the Southeast corner of said Lot 29, running thence West along the South line thereof 100 feet; thence in a Northwesterly direction to a point 50 feet South of the Northwest corner of said Lot 28, thence North along the West line of said Lot 28 to the Northwest corner thereof, thence East along the North line of said Lots 28 and 29 to the Northeast corner of said Lot 29, thence South along the East line of said Lot 29 to the place of beginning, in Jacob Hess' Addition to Waverly, Iowa

		Parcel 0534479005 The street of right of way of 7th St NW, North of 6th Ave NW, 6th Ave NW, West of 7th St NW; 7th St NW, South of 6th Ave NW and north of the north line of the alley in Block 56 and 53 extended across said street; 6th St NW, South of 6th Ave NW and north of the north lines of the alleys in Block 56 and 53 extended across said street; in Knotts Addition to Waverly, Iowa **Parcel 0534479002** Lot 6, Block 68 of Knott's Addition to Waverly, Iowa **Parcel 0534479004** The street of right of way of 7th St NW, North of 6th Ave NW, 6th Ave NW, West of 7th St NW; 7th St NW, South of 6th Ave NW and north of the north line of the alley in Block 56 and 53 extended across said street; 6th St NW, South of 6th Ave NW and north of the north lines of the alleys in Block 56 and 53 extended across said street; in Knotts Addition to Waverly, Iowa **Parcel 0902401003** Commencing at the Southeast corner of said Lot 29, running thence West along the South line thereof 100 feet; thence in a Northwesterly direction to a point 50 feet South of the Northwest corner of said Lot 28, thence North along the West line of said Lot 28 to the Northwest corner thereof, thence East along the North line of said Lots 28 and Lot 29 to the Northeast corner of said Lot 29, thence South along the East line of said Lot 29 to the place of beginning, in Jacob Hess' Addition to Waverly, Iowa.
1172	10/28/2025	S-1 to C-2 Legal Descriptions: **Parcel 09-04-230-014 (#1):** Lots 1, 2, 3, 4 and 5 in Block 2, Willow Lawn First Addition to Waverly, Iowa less and except the following described parcels: Section 5. All but the E 40' of the following parcel: Commencing at the southwest corner of said Lot 5; running thence North 135 feet along the West line of said Lot 5, thence East parallel with the South line of said Lot 5, 265 feet, thence South 100 feet, thence West 115 feet thence South 35 feet to the South line of said Lot 5, thence West 150 feet along the South line of said Lot 5 to the point of beginning, from and including the plating thereof, known as Willow Lawn Shopping Center, Waverly, Iowa. 90.3 That part of Lot 5 in Block 2, Willow Lawn First Addition to Waverly, Iowa, described as follows: Commencing at the southwest corner of said Lot 5, running thence North 135.00 feet along the West line of said Lot 5 to the point of beginning; thence East parallel with the South line of said Lot 5, 116.00 feet; thence North, parallel with the West line of Lot 5, 44.00 feet; thence West 116.00 feet to the West line of said Lot 5; thence South 44.00 feet along the West line to the point of beginning, and

90.4 A part of Lots 4 and 5 in Block 2, Willow Lawn First Addition to Waverly, Bremer County, Iowa, described as follows: Commencing at the SE corner of said Lot 5; thence N. 00°00'00" E. along the East line of said Lot 5 a distance of 135.00 feet to the point of beginning; thence S. 88°25'50" W. a distance of 120.00 feet; thence N. 00°00'00" E. a distance of 160.00 feet; thence N. 88°25'50" E. a distance of 120.00 feet to the East line of said Lot 4; thence S. 00°00'00" W. along the East line of said Lots 4 and 5 a distance of 160.00 feet to the point of beginning; and

90.5 That part of Lot Four (4), Block Two (2), Willow Lawn First Addition, Waverly, Iowa, described as follows: Commencing at the Southeast (SE) corner of Lot Five (5), Block Two (2), Willow Lawn First Addition, Waverly, Iowa, thence North (N) 00°00'00" East (E) Two hundred ninety-five feet (295') to the point of beginning; thence South (S) 88°25'50" West (W) One hundred twenty feet (120'), thence North (N) 00°00'00" East (E) Fifty feet (50'), thence North (N) 88°25'50" East (E) One hundred twenty feet (120') to the East (E) line of said Lot Four (4), thence South (S) 00°00'00" West (W) along the East (E) line of said Lot Four (4) Fifty feet (50') to the point of beginning, Bremer County, Iowa,

3. A PARCEL OF LAND LOCATED IN A PORTION OF LOT FIVE (5) OF BLOCK TWO (2) AND THE ADJACENT SERVICE DRIVE, WILLOW LAWN FIRST ADDITION, WAVERLY, BREMER COUNTY, IOWA AND FURTHER DESCRIBED AS FOLLOWS:

   BEGINNING AT A POINT ON THE EAST LINE OF LOT FIVE (5) OF BLOCK TWO (2) THAT IS NORTH 00°00'00" EAST 135.00 FEET FROM THE SOUTHEAST CORNER OF LOT FIVE (5) OF BLOCK TWO (2); THENCE NORTH 88°25'50" EAST 35.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE HIGHWAY 218 (20TH STREET NW); THENCE SOUTH 00°00'00" WEST 170.00 FEET ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 218 (20TH STREET NW) TO THE NORTH RIGHT OF WAY OF WEST BREMER AVENUE; THENCE SOUTH 88°25'50" WEST 125.00 FEET ALONG THE NORTH RIGHT OF WAY LINE OF WEST BREMER AVENUE; THENCE NORTH 00°00'00" EAST 170.00 FEET, THENCE NORTH 88°25'50" EAST 90.00 FEET TO THE POINT OF BEGINNING.

Parcel 09-04-230-015 (#2)

The service drive lying adjacent to and South and East of Lot Five (5), and the service drive lying adjacent to and East of Lots Three and Four (3 & 4), all in Block Two (2), all in Willow Lawn First Addition to Waverly, Iowa, and as shown on the plat of Willow Lawn First Addition to Waverly, Iowa;

Except

		A PARCEL OF LAND LOCATED IN A PORTION OF LOT FIVE (5) OF BLOCK TWO (2) AND THE ADJACENT SERVICE DRIVE, WILLOW LAWN FIRST ADDITION, WAVERLY, BREMER COUNTY, IOWA AND FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF LOT FIVE (5) OF BLOCK TWO (2) THAT IS NORTH 00°00'00" EAST 135.00 FEET FROM THE SOUTHEAST CORNER OF LOT FIVE (5) OF BLOCK TWO (2); THENCE NORTH 88°25'50" EAST 35.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE HIGHWAY 218 (20TH STREET NW); THENCE SOUTH 00°00'00" WEST 170.00 FEET ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 218 (20TH STREET NW) TO THE NORTH RIGHT OF WAY OF WEST BREMER AVENUE; THENCE SOUTH 88°25'50" WEST 125.00 FEET ALONG THE NORTH RIGHT OF WAY LINE OF WEST BREMER AVENUE; THENCE NORTH 00°00'00" EAST 170.00 FEET, THENCE NORTH 88°25'50" EAST 90.00 FEET TO THE POINT OF BEGINNING. Except A portion of the Service Drive lying East and adjacent to Lots 4 and 5, Block 2, Willow Lawn First Addition, Waverly, Iowa, described as follows: Commencing at the SE Corner of Lot 5; thence North 00 degrees 00 minutes 00 seconds East along the East line of Lot 5 a distance of 135 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East along said East line of Lots 4 and 5 a distance of 210 feet; thence North 88 degrees 25 minutes 50 seconds East a distance of 35 feet to the East line of said Service Drive; thence South 00 degrees 00 minutes 00 seconds West a distance of 210 feet along said East line; thence South 88 degrees 25 minutes 50 seconds West a distance of 35 feet to the point of beginning, Bremer County, Iowa. **Parcel 09-04-230-013 (#3)** A portion of the Service Drive lying East and adjacent to Lots 4 and 5, Block 2, Willow Lawn First Addition, Waverly, Iowa, described as follows: Commencing at the SE Corner of Lot 5; thence North 00 degrees 00 minutes 00 seconds East along the East line of Lot 5 a distance of 135 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East along said East line of Lots 4 and 5 a distance of 210 feet; thence North 88 degrees 25 minutes 50 seconds East a distance of 35 feet to the East line of said Service Drive; thence South 00 degrees 00 minutes 00 seconds West a distance of 210 feet along said East line; thence South 88 degrees 25 minutes 50 seconds West a distance of 35 feet to the point of beginning, Bremer County, Iowa. **Parcel 09-04-230-009 (#4):** That part of Lot 4, Block 2, Willow Lawn First Addition, Waverly, Iowa described as follows: Commencing at the SE corner of Lot 5, Block 2, Willow Lawn First Addition, Waverly, Iowa; thence North 00 degrees 00 minutes 00 seconds East, 295 feet to the point of beginning; thence South 88 degrees 25 minutes 50 seconds West, 120 feet; thence North 00 degrees 00 minutes 00 seconds East, 50 feet; thence North 88 degrees 25 minutes 50 seconds East, 120 feet to the East line of said Lot 4; thence South 00 degrees 00 minutes 00 seconds West along the East line of said Lot 4, 50 feet to the point of beginning, Bremer County, Iowa.

		Parcel 09-04-230-006 (#5): A part of lots 4 and 5 in Block 2, Willow Lawn First Addition to Waverly, Bremer County, Iowa, described as follows: Commencing at the SE corner of said Lot 5; thence N.00°00'00" E. along the East line of said Lot 5 a distance of 135.00 feet to the point of beginning; thence S.88°25'50" W. a distance of 120.00 feet; thence N.00°00'00" E. a distance of 160.00 feet; thence N.88°25'50" E. a distance of 120.00 feet to the East line of said Lot 4; thence S.00°00'00" W. along the East line of said Lots 4 and 5 a distance of 160.00 feet to the point of beginning. Subject to taxes for the years 1980 and 1981; easement for cross parking dated October 10, 1972, filed October 24, 1972 in Book 204, pages 73-75; easement for utilities granted to the City of Waverly in Book 208, pages 496-505 and easement for cross parking granted to Build-A-Rama, Inc. dated February 8, 1977 filed February 22, 1977 in Book 233, page 372.
1173	11/27/2025	R-2 to R-3 **Parcel ID 0903283003:** Parcel DD in Lots 5, 6, & 7, Block 11 and Lots 1, 2, 3, 4, 5, 6, 7, & 8, Block 14 in Wm. Sturdevants's Addition to the City of Waverly, Bremer County, Iowa.
1183	10/13/2026	R-3 to R-2 ***Parcel ID 0904276007:*** *Lot 1, Block 4, Willow Lawn First Addition to Waverly, Iowa*
1184	10/13/2026	A-1 to R-3 ***Parcel ID 0534151006*** (Locally known as: 1300 20th Street NW) ***Commencing at a point 348 feet East of the Southwest corner of the NW¼ of Section 34, Township 92 North, Range 14 West of the 5th P.M., thence East along said quarter section line to the Southeast corner of the W½ of the SW¼ of the NW¼ of said Section, thence North 132 feet, thence West parallel to said quarter section line to a point 132 feet North of point of beginning, thence South 132 feet to point of beginning*** AND ***Parcel ID 0534151005*** (Locally known as: 1302 20th Street NW)

		Commencing at the SW corner of the NW¼ of Section 34, Township 92 North, Range 14 West of the 5th P.M., running thence East along said quarter section line 348 feet, thence North 132 feet, thence West parallel to said quarter section line 348 feet, thence South 132 feet to point of beginning, subject to public highway
1185	10/13/2026	R-2 to R-4 ***Parcel ID 0535301002*** **Part of Lot 8 in Subdivision of the SW ¼ of Sec 35, Twp 92 N, Rge 14 W of the 5th P.M., to-wit: Beginning at the SW Corner of Lot 8 of the Sub-division of the SW ¼ of Sec 35, Twp 92 N, Rge 14 W of the 5th P.M., thence N 563.5' along the W line of said Lot 8, thence E 363', thence S 563.5', thence W 363' along the S line of said Lot 8 to the point of beginning, except lands deeded to the City of Waverly, Iowa, in Re-Recorded Quit Claim Deed shown in Book 140, Page 78, recorded in the Office of the Recorder of Bremer County, Iowa.**

APPENDIX E

TRAFFIC REGULATIONS*

Former Appendix E was repealed and replaced by Ordinance 1067 – Published on 11/27/19.
(Amended by Ordinance 1119, Published 03/14/2023.)
(Amended by Ordinance 1164, Published 06/24/2025)

TRAFFIC REGULATIONS*

Stop, Yield, One-way and
Roundabout Locations

Type	Road	Cross Road	Direction	Quadrant	Ord #	Notes
Stop	1st Ave NE	8th St NE	EB	NE	1067	
Stop	1st Ave NE	8th St NE	WB	NE	1067	
Stop	1st St NE	1st Ave NE	NB	NE	642	
Stop	2nd Ave NE	8th St NE	EB	NE	455	
Stop	2nd Ave NE	3rd St NE	EB	NE	1067	
Stop	2nd Ave NE	3rd St NE	WB	NE	1067	
Stop	2nd Ave NE	4th St NE	EB	NE	1067	
Stop	2nd Ave NE	4th St NE	WB	NE	1067	
Stop	2nd Ave NE	10th St NE	WB	NE	1067	
Stop	2nd St NE	E Bremer Ave	SB	NE	1164	
Stop	2nd St NE	1st Ave NE	NB	NE	834	
Stop	2nd St NE	1st Ave NE	SB	NE	834	
Stop	3rd Ave NE	10th St NE	EB	NE	834	
Stop	3rd St NE	1st Ave NE	NB	NE	834	
Stop	3rd St NE	1st Ave NE	SB	NE	834	
Stop	4th St NE	1st Ave NE	SB	NE	834	
Stop	5th Ave NE	Bremer Rd	WB	NE	1067	
Stop	5th St NE	E Bremer Ave	SB	NE	1067	*
Stop	5th St NE	1st Ave NE	NB	NE	834	
Stop	5th St NE	1st Ave NE	SB	NE	834	
Stop	6th St NE	E Bremer Ave	SB	NE	1067	
Stop	7th St NE	E Bremer Ave	SB	NE	1067	
Stop	8th St NE	E Bremer Ave	SB	NE	1067	
Stop	9th Street NE	E Bremer Ave	SB	NE	1119	
Stop	9th St NE	2nd Ave NE	SB	NE	834	
Stop	12th St NE	E Bremer Ave	SB	NE	1067	*
Stop	39th St NE	E Bremer Ave	SB	NE	1067	*
Stop	Brown Ln	Cedar Ln	WB	NE	1067	
Stop	Cedar Ln	Horton Rd	WB	NE	1067	

Stop	Copper Terrace	Bremer Rd	EB	NE	893	
Stop	Elm St	E Bremer Ave	SB	NE	1067	*
Stop	Evans St	Cedar Ln	WB	NE	1067	
Stop	Cedar Lane	2nd Ave NE	SB	NE	1119	
Stop	Fairholm Dr	Bremer Rd	WB	NE	528	
Stop	North Ridge Pkwy	Horton Rd	WB	NE	1164	
Stop	Pine St	E Bremer Ave	SB	NE	1067	*
Stop	Summit Dr	Horton Rd	EB	NE	1067	
Stop	1st Ave NW	24th St NW	EB	NW	1067	
Stop	1st Ave NW	24th St NW	WB	NW	539	
Stop	1st Ave NW	12th St NW	WB	NW	1067	
Stop	1st Ave NW	6th St NW	EB	NW	615	
Stop	1st Ave NW	6th St NW	WB	NW	615	
Stop	1st Ave NW	5th St NW	EB	NW	1067	
Stop	1st Ave NW	5th St NW	WB	NW	1067	
Stop	1st Ave NW	4th St NW	EB	NW	615	
Stop	1st Ave NW	4th St NW	WB	NW	615	
Stop	1st Ave NW	3rd St NW	EB	NW	615	
Stop	1st Ave NW	2nd St NW	WB	NW	1067	
Stop	1st Ave NW	1st St NW	EB	NW	1067	
Stop	1st St NW	Adams Pkwy	SB	NW	1067	
Stop	2nd Ave NW	3rd Ave NW	NB	NW	1067	
Stop	2nd Ave NW	7th St NW	WB	NW	1067	
Stop	2nd Ave NW	6th St NW	EB	NW	1067	
Stop	2nd Ave NW	5th St NW	EB	NW	1067	
Stop	2nd Ave NW	5th St NW	WB	NW	1067	
Stop	2nd Ave NW	4th St NW	EB	NW	615	
Stop	2nd Ave NW	4th St NW	WB	NW	615	
Stop	2nd Ave NW	3rd St NW	EB	NW	615	
Stop	2nd Ave NW	3rd St NW	WB	NW	615	
Stop	2nd Ave NW	2nd St NW	WB	NW	741	
Stop	2nd St NW	9th Ave NW	NB	NW	1067	
Stop	2nd St NW	W Bremer Ave	SB	NW	1067	*
Stop	2nd St NW	5th Ave NW	NB	NW	1067	
Stop	2nd St NW	5th Ave NW	SB	NW	1067	
Stop	3rd Ave NW	24th St NW	WB	NW	539	
Stop	3rd Ave NW	20th St NW	EB	NW	1164	
Stop	3rd Ave NW	20th St NW	WB	NW	1164	
Stop	3rd Ave NW	7th St NW	WB	NW	677	

Stop	3rd Ave NW	6th St NW	EB	NW	615	
Stop	3rd Ave NW	6th St NW	WB	NW	615	
Stop	3rd Ave NW	5th St NW	EB	NW	1067	
Stop	3rd Ave NW	5th St NW	WB	NW	1067	
Stop	3rd Ave NW	4th St NW	EB	NW	741	
Stop	3rd Ave NW	4th St NW	WB	NW	741	
Stop	3rd Ave NW	3rd St NW	EB	NW	646	
Stop	3rd Ave NW	3rd St NW	WB	NW	646	
Stop	3rd Ave NW	2nd St NW	EB	NW	741	
Stop	3rd Ave NW	2nd St NW	WB	NW	741	
Stop	3rd Ave NW	1st St NW	EB	NW	1067	
Stop	3rd St NW	9th Ave NW	NB	NW	455	
Stop	3rd St NW	W Bremer Ave	SB	NW	1067	*
Stop	3rd St NW	1st Ave NW	NB	NW	1067	
Stop	3rd St NW	5th Ave NW	NB	NW	1067	
Stop	3rd St NW	5th Ave NW	SB	NW	1067	
Stop	4th Ave NW	Business 218	WB	NW	1067	
Stop	4th Ave NW	8th St NW	WB	NW	677	
Stop	4th Ave NW	7th St NW	EB	NW	677	
Stop	4th Ave NW	7th St NW	WB	NW	677	
Stop	4th Ave NW	6th St NW	EB	NW	615	
Stop	4th Ave NW	5th St NW	EB	NW	1067	
Stop	4th Ave NW	5th St NW	WB	NW	1067	
Stop	4th Ave NW	4th St NW	EB	NW	741	
Stop	4th Ave NW	4th St NW	WB	NW	741	
Stop	4th Ave NW	3rd St NW	EB	NW	646	
Stop	4th Ave NW	3rd St NW	WB	NW	646	
Stop	4th Ave NW	2nd St NW	EB	NW	741	
Stop	4th Ave NW	2nd St NW	WB	NW	741	
Stop	4th Ave NW	1st St NW	EB	NW	1067	
Stop	4th Ave NW	1st St NW	WB	NW	1067	
Stop	4th St NW	7th Ave NW	SB	NW	678	
Stop	4th St NW	5th Ave NW	NB	NW	1067	
Stop	4th St NW	5th Ave NW	SB	NW	1067	
Stop	5th Ave NW	Business 218/35th St NW	EB	NW	1164	from 220th St. Gravel
Stop	5th Ave NW	Business 218	WB	NW	1067	
Stop	5th Ave NW	20th St NW	EB	NW	947	
Stop	5th Ave NW	20th St NW	WB	NW	947	
Stop	5th Ave NW	12th St NW	EB	NW	1067	

Stop	5th Ave NW	12th St NW	WB	NW	1067	
Stop	5th Ave NW	5th St NW	EB	NW	467	
Stop	5th Ave NW	5th St NW	WB	NW	467	
Stop	5th Ave NW	1st St NW	EB	NW	1067	
Stop	5th Ave NW	1st St NW	WB	NW	1067	
Stop	5th Ave NW Service Drive	5th Ave NW	SB	NW	1067	East of Industrial St
Stop	5th Ave NW Service Drive	5th Ave NW	SB	NW	1067	West of Industrial St
Stop	5th St NW	10th Ave NW	NB	NW	615	
Stop	5th St NW	10th Ave NW	SB	NW	615	
Stop	5th St NW	7th Ave NW	NB	NW	678	
Stop	5th St NW	7th Ave NW	SB	NW	678	
Stop	5th St NW	W Bremer Ave	SB	NW	1067	*
Stop	5th St NW	5th Ave NW	NB	NW	1067	
Stop	5th St NW	5th Ave NW	SB	NW	1067	
Stop	6th Ave NW	1st St NW	EB	NW	1067	
Stop	6th Ave NW	3rd St NW	EB	NW	559	
Stop	6th Ave NW	3rd St NW	WB	NW	559	
Stop	6th Ave NW	5th St NW	EB	NW	1067	
Stop	6th Ave NW	5th St NW	WB	NW	1067	
Stop	6th St NW	10th Ave NW	NB	NW	615	
Stop	6th St NW	7th Ave NW	SB	NW	615	
Stop	6th St NW	W Bremer Ave	SB	NW	947	*
Stop	6th St NW	5th Ave NW	NB	NW	1067	
Stop	6th St NW	5th Ave NW	SB	NW	1067	
Stop	7th Ave NW	12th St NW	WB	NW	678	
Stop	7th Ave NW	5th St NW	EB	NW	1067	
Stop	7th Ave NW	5th St NW	WB	NW	1067	
Stop	7th Ave NW	3rd St NW	EB	NW	1067	
Stop	7th Ave NW	3rd St NW	WB	NW	559	
Stop	7th Ave NW	2nd St NW	EB	NW	741	
Stop	7th St NW	W Bremer Ave	SB	NW	1067	*
Stop	7th St NW	5th Ave NW	NB	NW	1067	
Stop	7th St NW	5th Ave NW	SB	NW	1067	
Stop	8th Ave NW	9th St NW	WB	NW	688	
Stop	8th Ave NW	Cedar River Dr	EB	NW	470	
Stop	8th Ave NW	3rd St NW	EB	NW	646	
Stop	8th Ave NW	3rd St NW	WB	NW	646	
Stop	8th Ave NW	2nd St NW	EB	NW	741	

Stop	8th St NW	5th Ave NW	NB	NW	1067	
Stop	9th Ave NW	9th St NW	EB	NW	688	
Stop	9th Ave NW	9th St NW	WB	NW	688	
Stop	9th Ave NW	Cedar River Dr	EB	NW	470	
Stop	9th Ave NW	Adams Pkwy	EB	NW	1067	
Stop	9th St NW	12th Ave NW	NB	NW	688	
Stop	9th St NW	7th Ave NW	SB	NW	678	
Stop	9th St NW	W Bremer Ave	SB	NW	1067	*
Stop	10th Ave NW	9th St NW	WB	NW	688	
Stop	10th Ave NW	Cedar River Dr	EB	NW	449	
Stop	10th Ave NW	Cedar River Dr	WB	NW	470	
Stop	10th St NW	1st Ave NW	NB	NW	727	
Stop	11th Ave NW	9th St NW	WB	NW	688	
Stop	11th Ave NW	Cedar River Dr	EB	NW	470	
Stop	11th St NW	1st Ave NW	NB	NW	727	
Stop	12th Ave NW	Cedar River Dr	EB	NW	470	
Stop	12th St NW	5th Ave NW	NB	NW	554	
Stop	12th St NW	5th Ave NW	SB	NW	554	
Stop	12th St NW	W Bremer Ave	SB	NW	1067	*
Stop	13th St NW	Park Ave	NB	NW	829	
Stop	15th St NW	W Bremer Ave	SB	NW	1164	
Stop	16th St NW	3rd Ave NW	SB	NW	835	
Stop	17th St NW	3rd Ave NW	SB	NW	835	
Stop	18th St NW	2nd Ave NW	NB	NW	1067	
Stop	18th St NW	W Bremer Ave	SB	NW	1067	*
Stop	20th St NW	Business 218	SB	NW	1067	*
Stop	20th St NW	5th Ave NW	NB	NW	947	
Stop	20th St NW	5th Ave NW	SB	NW	947	
Stop	20th St NW	W Bremer Ave (Ramp)	SB	NW	1119	
Stop	21st St NW	3rd Ave NW	NB	NW	688	
Stop	21st St NW	3rd Ave NW	SB	NW	1067	
Stop	21st St NW	W Bremer Ave	SB	NW	539	
Stop	22nd Ave NW	20th St NW	EB	NW	1067	
Stop	22nd St NW	3rd Ave NW	NB	NW	688	
Stop	23rd St NW	3rd Ave NW	NB	NW	688	
Stop	23rd St NW	1st Ave NW	NB	NW	835	
Stop	23rd St NW	1st Ave NW	SB	NW	835	
Stop	23rd St NW	W Bremer Ave	SB	NW	539	
Stop	24th St NW	5th Ave NW	NB	NW	1067	

Stop	24th St NW	W Bremer Ave	SB	NW	688	
Stop	30th St NW	5th Ave NW	NB	NW	1164	
Stop	Bremer Ave Pkwy	3rd Ave NW	NB	NW	1067	
Stop	Cedar Glyn Dr	12th St NW	WB	NW	1067	
Stop	Cedar River Dr	7th Ave NW	SB	NW	678	
Stop	Country Meadows Dr	12th St NW	EB	NW	470	
Stop	Gateway	12th St NW	WB	NW	1067	
Stop	Greenfield Ave	Cedar River Dr	EB	NW	470	
Stop	Greenfield Ave	Cedar River Dr	WB	NW	470	
Stop	Hickory Heights Dr	Park Ave	SB	NW	470	
Stop	Juhl Ave	9th St NW	WB	NW	688	
Stop	Juhl Ave	Cedar River Dr	EB	NW	470	
Stop	Kenyon Dr	12th Ave NW	NB	NW	688	
Stop	Knight Ave	20th St NW	WB	NW	947	
Stop	Lyman St	5th Ave NW	NB	NW	1067	
Stop	Park 2nd Ave NW	24th St NW	EB	NW	749	
Stop	Deerfield Circle	Adams Pkwy	EB	NW	1119	
Stop	Park 3rd Ave NW	24th St NW	EB	NW	1119	
Stop	Red Fox Trail	Adams Pkwy	EB	NW	1119	
Stop	Park Ave	12th St NW	EB	NW	1067	
Stop	Ridgewood Blvd	12th St NW	WB	NW	1067	
Stop	W Bremer Ave	20th St NW	WB	NW	1067	
Stop	Wartburg Blvd	W Bremer Ave	SB	NW	1164	
Stop	Wilson Ave	12th St NW	EB	NW	1067	
Stop	Woodring Dr	Cedar River Dr	WB	NW	470	
Stop	1st Ave SE	1st St SE	WB	SE	829	
Stop	1st Ave SE	2nd St SE	EB	SE	1067	
Stop	1st Ave SE	2nd St SE	WB	SE	1067	
Stop	1st Ave SE	3rd St SE	EB	SE	1067	
Stop	1st Ave SE	3rd St SE	WB	SE	1067	
Stop	1st St SE	16th Ave SE	SB	SE	1164	
Stop	1st St SE	Cedar River Pkwy	NB	SE	1067	
Stop	1st St SE	Cedar River Pkwy	SB	SE	1067	

Stop	2nd Ave SE	3rd St SE	EB	SE	1067	
Stop	2nd Ave SE	3rd St SE	WB	SE	1067	
Stop	2nd St SE	E Bremer Ave	NB	SE	1164	
Stop	2nd St SE	2nd Ave SE	NB	SE	655	
Stop	2nd St SE	2nd Ave SE	SB	SE	655	
Stop	2nd St SE	7th Ave SE	NB	SE	1067	
Stop	2nd St SE	7th Ave SE	SB	SE	1067	
Stop	3rd Ave SE	3rd St SE	EB	SE	1067	
Stop	3rd Ave SE	3rd St SE	WB	SE	1067	
Stop	3rd St SE	7th Ave SE	NB	SE	1067	
Stop	3rd St SE	7th Ave SE	SB	SE	1067	
Stop	4th Ave SE	3rd St SE	EB	SE	1067	
Stop	4th St SE	1st Ave SE	NB	SE	1067	
Stop	4th St SE	1st Ave SE	SB	SE	1067	
Stop	4th St SE	7th Ave SE	NB	SE	1067	
Stop	4th St SE	7th Ave SE	SWB	SE	1164	
Stop	4th St SE	Crestwood Ave	SB	SE	1067	
Stop	4th St SE	E Bremer Ave	NB	SE	1067	
Stop	6th Ave SE	3rd St SE	EB	SE	1067	
Stop	6th Ave SE	3rd St SE	WB	SE	1067	
Stop	6th St SE	E Bremer Ave	NB	SE	1067	
Stop	6th St SE	1st Ave SE	SB	SE	1067	
Stop	7th Ave SE	4th St SE	EB	SE	829	
Stop	7th Ave SE	1st St SW	WB	SE	1164	
Stop	7th St SE	E Bremer Ave	NB	SE	1067	*
Stop	7th St SE	1st Ave SE	SB	SE	1067	
Stop	8th St SE	Cedar River Pkwy	NB	SE	1067	
Stop	8th St SE	Cedar River Pkwy	SB	SE	1067	
Stop	8th St SE	E Bremer Ave	NB	SE	1067	*
Stop	8th St SE	1st Ave SE	SB	SE	1067	
Stop	9th St SE	E Bremer Ave	NB	SE	1067	*
Stop	12th St SE	E Bremer Ave	NB	SE	1067	*
Stop	Augusta Lane	29th Ave SE	SB	SE	1119	
Stop	29th Ave SE	11th St SE	EB	SE	1164	
Stop	30th St SE	E Bremer Ave	NB	SE	1067	*
Stop	39th St SE	E Bremer Ave	NB	SE	947	*
Stop	Cedar River Pkwy	Hwy 3 East	EB	SE	1164	*

Stop	Crestwood Ave	4th St SE	EB	SE	829	
Stop	Crestwood Ave	4th St SE	WB	SE	829	
Stop	Eagle Ridge Dr	17th Ave SE	EB	SE	1164	
Stop	Monaghan Dr	39th St SE	EB	SE	829	
Stop	Pine St	E Bremer Ave	NB	SE	1067	*
Stop	Viola Dr	39th St SE	EB	SE	829	
Stop	1st Ave SW	6th St SW	EB	SW	741	
Stop	1st Ave SW	4th St SW	EB	SW	1067	*
Stop	1st Ave SW	4th St SW	WB	SW	1067	*
Stop	1st Ave SW	1st St SW	EB	SW	1067	
Stop	1st Ave SW	8th St SW	EB	SW	1119	
Stop	1st Ave SW	8th St SW	WB	SW	1119	
Stop	1st St SW	8th Ave SW	SB	SW	1067	
Stop	2nd Ave SW	16th St SW	WB	SW	646	
Stop	2nd Ave SW	4th St SW	EB	SW	1067	*
Stop	2nd Ave SW	4th St SW	WB	SW	1067	*
Stop	2nd Ave SW	1st St SW	EB	SW	1067	
Stop	2nd Ave PL SW	10th St SW	WB	SW	1119	
Stop	2nd St SW	W Bremer Ave	NB	SW	1067	*
Stop	2nd St SW	1st Ave SW	NB	SW	615	
Stop	2nd St SW	1st Ave SW	SB	SW	615	
Stop	2nd St SW	2nd Ave SW	NB	SW	1067	
Stop	2nd St SW	2nd Ave SW	SB	SW	1067	
Stop	3rd Ave SW	8th St SW	WB	SW	1067	
Stop	3rd Ave SW	6th St SW	EB	SW	741	
Stop	3rd Ave SW	6th St SW	WB	SW	741	
Stop	3rd Ave SW	4th St SW	EB	SW	1067	*
Stop	3rd Ave SW	4th St SW	WB	SW	615	*
Stop	3rd Ave SW	1st St SW	EB	SW	615	
Stop	3rd St SW	W Bremer Ave	NB	SW	1067	*
Stop	3rd St SW	1st Ave SW	NB	SW	615	
Stop	3rd St SW	1st Ave SW	SB	SW	1067	
Stop	3rd St SW	2nd Ave SW	NB	SW	1067	
Stop	3rd St SW	2nd Ave SW	SB	SW	1067	
Stop	3rd St SW	29th Ave SW	SB	SW	749	
Stop	Oakridge Circle	3rd St SW	EB	SW	719	
Stop	4th Ave SW	16th St SW	WB	SW	947	
Stop	4th Ave SW	8th St SW	WB	SW	1067	
Stop	4th Ave SW	6th St SW	EB	SW	741	
Stop	4th Ave SW	6th St SW	WB	SW	741	

Stop	4th Ave SW	4th St SW	EB	SW	1067	*
Stop	4th Ave SW	4th St SW	WB	SW	1067	*
Stop	4th Ave SW	1st St SW	EB	SW	1067	
Stop	4th St SW Frontage	10th Ave SW	NB	SW	1067	
Stop	5th Ave SW	4th St SW	EB	SW	1067	*
Stop	5th Ave SW	4th St SW	WB	SW	1067	*
Stop	5th Ave SW	1st St SW	EB	SW	1067	
Stop	5th St SW	W Bremer Ave	NB	SW	1067	*
Stop	5th St SW	2nd Ave SW	NB	SW	1067	
Stop	5th St SW	5th Ave SW	SB	SW	741	
Stop	6th Ave SW	4th St SW	WB	SW	1067	*
Stop	6th Ave SW	1st St SW	EB	SW	1067	
Stop	6th St SW	W Bremer Ave	NB	SW	947	*
Stop	6th St SW	2nd Ave SW	NB	SW	1067	
Stop	6th St SW	2nd Ave SW	SB	SW	1067	
Stop	6th St SW	5th Ave SW	SB	SW	741	
Stop	7th Ave SW	4th St SW	WB	SW	1067	*
Stop	7th St SW	W Bremer Ave	NB	SW	1067	*
Stop	7th St SW	2nd Ave SW	NB	SW	1067	
Stop	7th St SW	2nd Ave SW	SB	SW	1067	
Stop	7th St SW	5th Ave SW	SB	SW	741	
Stop	8th Ave SW	4th St SW	EB	SW	1067	*
Stop	8th Ave SW	4th St SW	WB	SW	1067	*
Stop	8th St SW	W Bremer Ave	NB	SW	1067	
Stop	8th St SW	2nd Ave SW	NB	SW	1067	
Stop	8th St SW	2nd Ave SW	SB	SW	1067	
Stop	9th St SW	2nd Ave SW	SB	SW	1067	
Stop	9th St SW	W Bremer Ave	NB	SW	1067	
Stop	10th Ave SW	Heritage Way	WB	SW	1067	*
Stop	Heritage Way	W Bremer Ave	NB	SW	1119	*
Stop	W Bremer Ave	Heritage Way	EB	SW	1119	*
Stop	10th St SW	2nd Ave SW	SB	SW	1067	
Stop	11th St SW	4th Ave SW	SB	SW	528	
Stop	13th Ave SW	3rd St SW	EB	SW	777	
Stop	16th Ave SW	4th St SW	WB	SW	1164	
Stop	16th Ave SW	3rd St SW	EB	SW	777	
Stop	16th Ave SW	3rd St SW	WB	SW	777	
Stop	16th St SW	10th Ave SW	NB	SW	1067	

Stop	16th St SW	10th Ave SW	SB	SW	777	
Stop	16th St SW	4th Ave SW	NB	SW	947	
Stop	16th St SW	4th Ave SW	SB	SW	947	
Stop	20th St SW	10th Ave SW	SB	SW	1067	
Stop	21st St SW	W Bremer Ave	NB	SW	539	
Stop	29th Ave SW	Railroad	EB	SW	1119	
Stop	29th Ave SW	Railroad	WB	SW	1119	
Stop	Eagle Ridge Dr	3rd St SW	WB	SW	749	
Stop	Home Blvd	W Bremer Ave	NB	SW	1067	
Stop	Iowa St	4th Ave SW	SB	SW	615	
Stop	Iowa St	2nd Ave SW	NB	SW	1067	
Stop	Iowa St	2nd Ave SW	SB	SW	1067	
Stop	Leitha Terr	16th St SW	WB	SW	777	
Stop	Meadow View Ln	16th St SW	WB	SW	777	
Stop	Robertson Rd	16th St SW	WB	SW	829	
Stop	Stone Ln	16th Ave SW	SB	SW	1164	
Stop	Stone Ln	Cedar River Pkwy	NB	SW	1164	
Stop	Sunset St	4th Ave SW	SB	SW	615	
Stop	Sunset St	2nd Ave SW	NB	SW	1067	
Stop	Sunset St	2nd Ave SW	SB	SW	1067	
Stop	W Bremer Frontage Rd	16th St SW	WB	SW	539	
Stop	W Bremer Frontage Rd	Home Blvd	EB	SW	539	
Stop	W Bremer Frontage Rd	Home Blvd	WB	SW	539	
Stop	Willow Lawn Dr	W Bremer Ave	NB	SW	539	
Yield	3rd Ave NE	4th St NE	WB	NE	1067	
Yield	5th St NE	Cedar Ln	SB	NE	1067	
Yield	6th St NE	1st Ave NE	NB	NE	1119	
Yield	6th St NE	1st Ave NE	SB	NE	1119	
Yield	7th St NE	1st Ave NE	NB	NE	1119	
Yield	7th St NE	1st Ave NE	SB	NE	1119	
Yield	Emery Circle	Emery Dr	NB	NE	1067	
Yield	Emery Dr	Evans St	WB	NE	1067	
Yield	Prairie Dr	Emery Dr	SB	NE	1067	
Yield	1st Ave NW	Wartburg Blvd	EB	NW	1067	
Yield	1st Ave NW	Wartburg Blvd	WB	NW	1067	
Yield	1st St NW	9th Ave NW	NB	NW	1067	

Yield	6th Ave NW	2nd St NW	EB	NW	1067	
Yield	6th Ave NW	2nd St NW	WB	NW	1067	
Yield	Industrial St	5th Ave NW Service Dr	SB	NW	1067	
Yield	Meadowbrook Ln	Ridgewood Blvd	SB	NW	1067	
Yield	Meadowbrook Ln	Ridgewood Blvd	NB	NW	1067	
Yield	W Bremer Ave (Ramp)	20th St NW	N/WB	NW	1164	
Yield	Wartburg Blvd	1st Ave NW	NB	NW	1067	
Yield	Wartburg Blvd	1st Ave NW	SB	NW	1067	
Yield	1st St SE	16th Ave SE	SB	SE	1119	
Yield	18th Ave SE	11th St SE	WB	SE	1119	
Yield	2nd St SW	3rd Ave SW	NB	SW	1067	
Yield	2nd St SW	3rd Ave SW	SB	SW	1067	
Yield	2nd St SW	4th Ave SW	NB	SW	1067	
Yield	2nd St SW	4th Ave SW	SB	SW	1067	
Yield	2nd St SW	5th Ave SW	NB	SW	1067	
Yield	2nd St SW	5th Ave SW	SB	SW	1067	
Yield	2nd St SW	6th Ave SW	NB	SW	1067	
Yield	2nd St SW	6th Ave SW	SB	SW	1067	
Yield	3rd St SW	3rd Ave SW	NB	SW	1067	
Yield	3rd St SW	3rd Ave SW	SB	SW	1067	
Yield	3rd St SW	4th Ave SW	NB	SW	1067	
Yield	3rd St SW	4th Ave SW	SB	SW	1067	
Yield	3rd St SW	5th Ave SW	NB	SW	1067	
Yield	3rd St SW	5th Ave SW	NB	SW	1067	
Yield	3rd St SW	6th Ave SW	NB	SW	1067	
Yield	3rd St SW	6th Ave SW	SB	SW	1067	
Yield	16th St SW	4th Ave SW	WB	SW	1067	right turn into MS
Yield	18th Ave SE	11th Ave SE	WB	SE	1119	
RND BT	1st Ave NW	Wartburg Blvd	EB	NW	1067	roundabout
RND BT	1st Ave NW	Wartburg Blvd	WB	NW	1164	roundabout
RND BT	Wartburg Blvd	1st Ave NW	NB	NW	1164	roundabout
RND BT	Wartburg Blvd	1st Ave NW	SB	NW	1067	Roundabout

One-way	3rd St NW	Bremer to 1st Ave NW	NB	NW	909	
One-way	11th St NW	Bremer to 1st Ave NW	NB	NW	989	

Former Appendix E was repealed and replaced by Ordinance 1067 – Published on 11/27/19.
Amended by Ordinance 1119, Published 03/14/2023.
Amended by Ordinance 1164, Published 06/24/2025.
(An * has been added to indicate those signs that are DOT owned/maintained.)

APPENDIX F

STREET AND ALLEY RIGHT OF WAY VACATIONS

Ord. No.	Date	Description
1084	1-12-21	The 20th Street SW right of way within Parcel H, according to Plat of Survey recorded as Doc. No. 20021492, Bremer County records, North of a point 300 feet North of the Southeast corner of Parcel H is hereby vacated.
1085	4-27-21	The following right of ways are hereby vacated and shall be transferred to Echo Development Group, LLC.: 1. All that part of the platted street of Pinehurst Point in Centennial Oaks Golf Club Addition to the City of Waverly, Bremer County, Iowa, lying North and West of the Northerly right of way line of Eagle Ridge Drive with the City of Waverly retaining an easement for public utilities within said parcel. 2. All that part of the platted street of Spyglass Hill in Centennial Oaks Golf Club Addition to the City of Waverly, Bremer County, Iowa, lying South and East of the Southerly right of way line of Eagle Ridge Drive with the City of Waverly retaining an easement for public utilities within said parcel.
1177	04/30/2026	That the public right-of-way representing a portion of the 16' wide alleyway running east/west between certain lots in Block 48 of the Harmon and Levalley Addition within the City of Waverly, Iowa, is hereby vacated, subject to the retained easement described herein. The public right-of-way is legally described as follows: That Portion of the Plated Alley in Block 48, Adjacent to the E½ of Lot 7 and Lots 8 – 16 in Harmon & Levalley Addition in Waverly, Iowa.

APPENDIX G

REVITALIZATION AREAS

Central Business District Urban Revitalization Area (Phase I). Block 4 of the original town of Waverly, Bremer County, IA, consisting of Lots 1, 2, 3 and 4 between 3rd Street SE and 4th Street SE, facing East Bremer Avenue and Lots 5, 6, 7 and 8 between 3rd Street SE and 4th Street SE facing 1st Avenue SE (Ordinance 468)

APPENDIX H

PROPERTY TAX EXEMPTIONS

Exemption from Property Taxation of Actual Value Added to Industrial Real Estate by New Construction of Industrial Real Estate and Acquisition of and/or Improvement to Machinery and Equipment Assessed as Real Estate. Provides for a partial exemption from property taxation of the actual value added to the industrial real estate the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment messed as real estate pursuant to Section 427 B 1, subsection (1), paragraph e of the 1979 Code of Iowa as amended.

New construction means new buildings and structures and includes buildings and sires which are constructed as additions to existing buildings and structures.

New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the city council upon the recommendation of the Iowa Development Commission.

The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to Section 656427A.1, subsection (1) , paragraph e of the 1979 Code of Iowa, as amended, unless the a of the normal replacement or the existing operational

Actual value added to industrial estate for the reasons specified is eligible to receive a partial exemption from taxation for a period of five years. “Actual value added” means the, actual value added as of the 1st of the year for which the exemption is received, except that actual value added by improvements to machinery and equipment means that actual value as determined by the assessor as of January 1st of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

A. For the 1st year, seventy-five percent
B. For the 2nd year, sixty percent
C. For the 3rd year, forty-five percent
D. For the 4th year, thirty percent
E. For the 5th year, fifteen percent.

However, granting of the exemption for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of industrial real estate before the start of the new construction added.

An application shall be filed for each project resulting in actual value for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1st of the assessment year in which the value added is 1st assessed for taxation. Application for exemption shall be made on forms the director of revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information necessary by the director of revenue.

A person may submit a proposal to the city council to receive oval for eligibility for a tax exemption on new construction. The city council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the city. The prior approval shall also be subject to the hearing requirements of this ordinance. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved the person may submit an amended proposal to the city council to approve or reject.

When in the opinion of the city council continuation of the exemption granted in this ordinance ceases to be of benefit to the city, the council may repeal this ordinance, but all existing exemptions shall continue until their expiration.

A property tax exemption shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.