TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 1 - WATER SERVICE

ARTICLE 1
PUBLIC WATER SYSTEM

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

1. "Water System" or "Water Works": shall mean all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

2. "Superintendent": shall mean the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code or his duly authorized assistant, agent, or representative.

3. "Water Main Pipe": shall mean a water supply pipe provided for public or community use.

4. "Water Service Pipe": shall mean the pipe from the water main to the building served.

5. "Consumer": shall mean in addition to any person receiving water service from the city.

610.102 SUPERINTENDENT: APPOINTMENT, DUTIES. The city administrator shall appoint, subject to approval of the council, a water superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in this city in accordance with this article. This article shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make such rules, not in conflict with the provisions of this article, as may be needed for the detailed operation of the water system, subject to the approval of the council. In the event of an emergency he may take temporary rules for the protection of the system until due consideration by the council may be had.

(Code of Iowa, 2015, Sec. 372.13 [4])

610.103 MANDATORY CONNECTIONS. All residences and business establishments within the city limits intended or used for human habitation, occupancy, or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

610.104 ABANDONED CONNECTIONS. When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

610.105 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural, or enforcement provisions, of the state plumbing code.

610.106 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a competent plumber or contractor authorized by the superintendent.

610.107 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers.

610.108 TAPPING MAINS. All taps into water mains shall be made under the direct supervision of the superintendent and in accord with the following:

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the superintendent and unless provision is made so that each house, building, or premise may be shut off independently of the other.

2. Sizes and Location of Taps. Size and location of all water taps shall be approved by the city prior to excavation.

3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the superintendent in such form as he shall require.

(Code of Iowa, 2015, Sec. 372.13 [4])

5. Tapping Fee. Water service tapping fees will be charged as set out by resolution of the council and on file in the City Hall.

610.109 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to and including the curb stop shall be installed by the city at the expense of the property owner. All costs of excavation, backfill, and restoration of property shall be in addition to any costs incurred hereunder.

610.110 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer as that service may be shut off for one without interfering with service to the others.

610.111 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved by the superintendent before they are covered, and he shall keep a record of such approvals. If he refuses to approve the work, the plumber or property owner must proceed immediately to correct the work so that it will meet with his approval. Every person who uses or intends to use the municipal water system shall permit the superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

610.112 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, 2015, Sec. 364.12 [3h])

610.113 SHUTTING OFF WATER SUPPLY. After giving reasonable notice, the superintendent may shut off the supply of water to any customer because of any substantial violation of this article, or valid regulation under Section 610.102 that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the superintendent has ordered the water to be turned on.

610.114 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

610.115 FAILURE TO MAINTAIN. When any corporation cock, water service pipe, or curb stop becomes defective or creates a nuisance and the owner fails to correct such nuisance, the city may do so and assess the costs thereof to the property.

(Code of Iowa, 2015, Sec. 364.12 [3h])

610.116 OPERATION OF CURB STOP. It shall be unlawful for any person except the water superintendent to turn water on at the curb stop.

610.117 USE OF HYDRANTS. It shall be unlawful for any person, except the superintendent or chief of the Fire Department to take water from any public or private hydrant, fire plug, street washer, draw cock, hose pipe, or fountain, except for fire purposes or for the use of the Fire Department in case of fire, or in any way use or take water from the waterworks system for private use, unless such person shall first pay a fee fixed by the council for the privilege, and receive a written permit from the superintendent to do so.

610.118 WATER SUPPLY. The city does not guarantee a constant supply of water to any consumer and shall not be liable for any damage or any failure to supply the same, if for any cause the supply of water shall be shut off to make repairs, connections, or extensions, or for any other purpose that may be found necessary. The right is reserved to cut off the supply of water at any time.

610.119 CITY NOT LIABLE; CLAIMS; DAMAGE. The city shall not be liable for any claim or damage on account of the breaking of or injury to any service pipe, corporation cock, curb stop cock, stop and waste cock, meter, or other equipment.

610.120 TERMINATION OF WATER SERVICE. Property owner shall disconnect the water service line at the service valve in the parking between the curb and the property lien upon termination of service. If the property owner shall fail to make such disconnection within 30 days after such termination of service, then in such event the City will make such disconnection without further notice and assess the cost thereof to the property owner.

RESERVED FOR FUTURE USE.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 1 - WATER SERVICE

ARTICLE 2
WATER METERS

610.201 PURPOSE. The purpose of this article is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among consumers.

610.202 WATER USE METERED. All water furnished consumers shall be measured through meters furnished and installed by the city, unless approved by the superintendent.

(Code of Iowa, 2015, Sec. 384.84 [1])

610.203 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

610.204 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

610.205 METER SETTING. The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the city including a valve on both sides of the meter. Meter pits may be used only upon approval of the superintendent and of a design and construction approved by him. All meters are to be installed horizontally.

610.206 METER REPAIRS. Whenever a water meter owned by the city is found to be out of order, the superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs.

610.207 RIGHT OF ENTRY. The superintendent or his authorized representative shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 1 - WATER SERVICE

ARTICLE 3
WATER RATES

610.301 SERVICE CHARGES. Each consumer shall pay for water service provided him by the city based upon his use of water as determined by meters provided for in Article 2 of this chapter. Each location, building, premises, or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not.

(Code of Iowa, 2015, Sec. 384.84 [1])

****610.302 TREATED WATER RATES.** Treated water service shall be furnished at the following rates:

(Code of Iowa, 2015, Sec. 384.84 [1])

Commodity Charge

First 5,000 Cu. Ft./Month ..... $4.25 per 100 Cu. Ft./Month
Over 5,000 Cu. Ft./Month ..... $3.58 per 100 Cu. Ft./Month

Demand Charge

Meter Size	Charge
5/8" & ¾"	$ 12.93/Month
1" & 1½"	$ 25.85/Month
2"	$ 64.35Month
*3	$ 95.65/Month
4"	$128.98/Month
6"	$257.95/Month
8"	$515.63/Month

With an increase of 5% on the June 30 billing of each year, for the next five years beginning June 30, 2023.

****610.303 RAW WATER RATES.** Rates for raw water are established as follows:

Commodity Charge = $0.~~60~~ 0.72per 100 Cu. Ft./Month

*Revised 2-7-2022; Ord. 789
**Revised 10-17-2022; Ord. 799

Demand Charge

Meter Size	Charge
¾" & 1"	$ 58.58/Month
1½" & 2"	$ 88.00/Month
4"	$175.73/Month
6"	$351.45/Month
Over 6"	$ 937.20/Month

With an increase of 5% on the June 30 billing of each year, for the next five years beginning June 30, 2023.

610.304 RESERVED FOR FUTURE USE

610.305 SERVICE FEES. There shall be paid service fees in accordance with the following:

*1. New Service or Reconnection. Before any water shall be supplied to a service pipe, the consumer applying for such water service shall pay the amount reflected on the Miscellaneous Fees and Charges schedule as set forth by resolution of the City Council.

2. Fee Non-refundable. Said hook-up service charges shall not be refundable.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half (1½) percent of the amount due shall be added to each delinquent bill.

610.306 CUSTOMER DEPOSIT. A customer deposit may be required in accordance with the following:

1. New Service or Reconnection. Before approval of an initial service application or reconnection of service, a deposit of the highest monthly billing for the previous twelve (12) months or appropriate period may be required.

2. Utility Credit History. No initial deposit shall be required of an applicant who has established satisfactory utility credit history with the City of Estherville or provides proof of satisfactory utility credit history from another utility. Satisfactory utility credit history is defined as the timely payment of eleven (11) of the most recent twelve (12) billings from a utility.

*Revised 10/5/2020, Ord. 780

3. Interest on Deposits. Interest will be paid on deposits at a rate determined by the City Council.

4. Refund of Deposit. A deposit plus accumulated interest shall be returned to the customer after the timely payment of eleven (11) billings in a twelve (12) month period.

610.307 PAYMENT FOR SERVICE. All bills for water shall be due and payable on the twentieth (20th) day of each month. If not paid when due, a penalty of 1.5% per month shall be added to the total bill on all water consumed, provided, however that a late payment of one monthly bill per customer per calendar year shall be allowed without penalty. Upon request by a non-delinquent customer, a budget plan for payment of estimated annual consumption of water and demand charges may be arranged with the city clerk of the City of Estherville, Iowa.

***610.308 DELINQUENT BILLS.** All bills for water shall be delinquent on the twenty-first (21st) day of the month. The customer shall be permitted at least twelve (12) days following mailing of the notice of disconnect to make settlement. If not paid at this time, all service may be disconnected by the city clerk or on the clerk's orders, and shall not be reconnected until the payment of all past due accounts and a fee set forth on Miscellaneous Fees & Charges schedule which is set forth by resolution of the City Council from time to time. An additional charge for reconnection after normal business hours shall be assessed as listed in the Miscellaneous Fees & Charges schedule.

610.309 ACCURACY TEST. The superintendent shall make a test of the accuracy of any water meter at any time when requested in writing. If the meter is found to over-run to the extent of two (2) percent or more, the cost of the test shall be paid by the city and a refund shall be made to the consumer for overcharges collected since the last known date of accuracy but not for longer than three (3) months. If the meter is found to be accurate or slow, or less than two (2) percent fast, the cost of the test shall be paid by the consumer.

(Code of Iowa, 2015, Sec. 384.84 [1])

*Revised 10/5/2020, Ord. 780

610.310 METERS NOT REGISTERING. If the meter fails to register the quantity of water, the quantity shall be determined and the charge made, based upon the average quantity registered during such preceding period of time, prior to the date of failure to register, as the clerk shall decide.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 1 - WATER SERVICE

ARTICLE 4
PRIVATE WATER WELLS

610.401 WHEN PROHIBITED. No person shall construct, own, use or return to service a private potable water well after January 1, 2011, within the corporate limits of the City of Estherville, Iowa, except as provided for in this Article.

610.402 WHEN ALLOWED. A private well used for potable water in existence prior to January 1, 2011, or the effective date of this Ordinance, whichever is earlier, shall be allowed to remain in use. Said wells cannot be drilled, deepened or materially altered without a special exception granted by the City Administrator for the City of Estherville, Iowa. Following January 1, 2011 or the effective date of this ordinance, whichever is earlier, a private well used for potable water may be allowed when the distance from the City water system is greater than 200 feet from the property line of the property to be served and shall require the issuance of a special exception by the City Administrator.

610.403 PERMIT REQUIRED. No person shall construct a well for any purpose unless a permit has been issued for the well by the Emmet County Environmental Health Specialist or the Emmet County Environmental Health Specialist has determined that a permit is not required.

610.404 CONNECTION PROHIBITED. It shall be unlawful for any person to allow any well or private water service to connect directly or indirectly with the municipal water systems for the City of Estherville, Iowa.

610.405 SPECIAL EXEMPTION. The City of Estherville, Iowa, may grant a special exemption to Section 610.401 upon a written request to the City Administrator and approval of City Council for the City of Estherville.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 2 - TREES

ARTICLE 1
GENERAL PROVISIONS

620.101 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the city by regulating and providing for the planting, care, and removal of trees.

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

1. "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.

620.103 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking except in accordance with the following:

1. Spacing. New trees shall not be planted closer than thirty (30) feet from one another.

2. Intersections. No tree shall be planted within ten (10) feet of the intersecting lot lines of a corner lot.

3. Sidewalks and Curbs. No tree shall be planted within five (5) feet of the curb line or sidewalk except in the Business District.

4. Prohibited Trees. It is unlawful to plant or maintain on any parking, street, or other public place, any shrubbery or other plantings, except trees or annual flowers. No coniferous evergreen tree shall be planted in the parking.

5. Under Electrical Wires. No tree shall be planted under any electrical distribution or transmission wires.

620.104 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least fifteen (15) feet above the surface of the street, eight (8) feet above the surface of the sidewalks and remove all dead or diseased limbs promptly.

(Code of Iowa, 2015, Sec. 364.12 [2c])

620.105 ASSESSMENT. If the abutting property owner fails to trim the trees as required in this chapter, the city may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, 2015, Sec. 364.12 [2d & e])

620.106 RESERVED FOR FUTURE USE.

620.107 REMOVAL OF TREES OR VEGETATION. When in the interest of a public purpose, city electrical or street crews are authorized to trim or completely remove any tree, bush, or other vegetation located in, on, or above a city right-of-way.

620.108 TREES DAMAGING WIRES. It shall be unlawful to fail or neglect to keep trees or branches therefrom, while the same is being cut down or removed, from falling into or in any manner damaging property, electric light wires, or any other wires. The owner or agent of the abutting property shall be liable for the cost to repair said property damage.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 2 - TREES

ARTICLE 2
DUTCH ELM DISEASE CONTROL

620.201 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch elm disease hereby declares the following shall be removed:

(Code of Iowa, 2015, Sec. 364.12 [3b])

1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).

2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.

620.202 DUTY TO REMOVE. No person, firm, or corporation shall permit any tree or material as defined in Section 1 of this article to remain on the premises owned, controlled, or occupied by him within the city.

(Code of Iowa, 2015, Sec. 364.12 [3b])

620.203 INSPECTION. The administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in Section 1 of this article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.

620.204 REMOVAL FROM CITY PROPERTY. If the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code upon inspection or examination, in person or by some qualified person acting for him, shall determine that any condition as herein defined exists in or upon any public street, alley, park, or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus.

620.205 REMOVAL FROM PRIVATE PROPERTY. If the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code upon inspection or examination, in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, he shall immediately notify by certified mail the owner, occupant, or person in charge of such property, to correct such condition within fourteen (14) days of said notification. If such owner, occupant, or person in charge of said property fails to comply within fourteen (14) days of receipt thereof, the council may cause the nuisance to be removed and the cost assessed against the property as provided in Article 2, Chapter 2, of Title III.

(Code of Iowa, 2015, Sec. 364.12 [3b & h])

If the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 1
ABANDONED VEHICLES

630.101 DEFINITIONS. For use in this article the following terms are defined:

1. "Abandoned Vehicle": shall mean any of the following:

(Code of Iowa, 2015, Sec. 321.89 [1a])

A. A motor vehicle that has been left unattended on public street surface for more than twenty-four (24) hours.

B. An inoperable motor vehicle that has remained on public property for more than twenty-four (24) hours.

C. A motor vehicle left unattended on public property for more than seventy-two (72) hours.

D. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

E. A motor vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of ten (10) days. However, a police authority may declare a vehicle abandoned within the ten (10) day period by commencing the notification process set forth in Section 630.103.

F. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

2. "Inoperable Vehicle": shall mean any motor vehicle which lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable.

630.102 REMOVAL OF ABANDONED MOTOR VEHICLES. The police chief may remove and impound any abandoned motor vehicle whether in operable or totally inoperable condition. Impoundment shall be in any city-owned garage or area, or in any privately-owned public garage or area designated by the council.

(Code of Iowa, 2015, Sec. 321.89 [2])

630.103 NOTICE BY MAIL. The police chief shall notify by certified mail within twenty (20) days of having taken possession of any abandoned operable motor vehicle, the last known registered owner of the motor vehicle and all lien holders of record, addressed to their last known address of record that the abandoned motor vehicle has been taken into custody. Notice shall be deemed given when mailed. Notice shall describe the year, make, model, and serial number of the motor vehicle, set forth the location of the facility where it is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the motor vehicle in custody. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the motor vehicle within the time provided shall be deemed a waiver by the owner and all lien holders of all right, title, claim, and interest in the motor vehicle and that such failure to reclaim is deemed consent to the sale of the motor vehicle at a public auction or disposal of the motor vehicle to a demolisher. If the owner and lien holders do not exercise their right, they shall have no further right, title, claim, or interest in or to such motor vehicle, as provided by law. 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 police authority or private entity or of the assessment of fees or charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.

(Code of Iowa, 2015, Sec. 321.89 [3a])

630.104 NOTIFICATION IN NEWSPAPER. If the identity of the last registered owner of an abandoned but operable vehicle 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 lien holders, notice by one publication in one newspaper of general circulation in this city shall be made by the police chief and multiple listings may be included in said notice if they are subject to the same time limits, and the same information as prescribed for mailed notice shall be included.

(Code of Iowa, 2015, Sec. 321.89 [3b])

630.105 EXTENSION OF TIME. The owner or any lien holder may, by written request delivered to the police chief prior to the expiration of the ten (10) days claiming period, obtain an additional fourteen (14) days within which the motor vehicle may be reclaimed.

630.106 FEES FOR IMPOUNDMENT. The owner or lien holder shall pay towing charges if stored by the city, or upon payment of the towing and storage fees, if stored in a public garage or privately owned garage, whereupon said vehicle shall be released.

630.107 DISPOSAL OF OPERABLE VEHICLES. If an abandoned motor vehicle which is operable has not been reclaimed as provided by Section 630.103, the police chief shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways. If it is to be sold for such use, it shall be sold at public auction.

(Code of Iowa, 2015, Sec. 321.89 [4])

630.108 DISPOSAL OF INOPERABLE ABANDONED VEHICLES. Inoperable abandoned vehicles shall be disposed of as follows:

1. Disposal by Other Persons. A person or this city or other unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any

person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may, without notification procedures, dispose of such motor vehicle if it lacks an engine, or two (2) or more wheels, or other structural part which renders the vehicle totally inoperable, to a demolisher for junk without the title.

(Code of Iowa, 2015, Sec. 321.90 [2e])

630.109 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall apply to the cost of auction, towing, preserving, storing and notification required, in accordance with state law. Any balance shall be held for the owner of the motor vehicle or entitled lien holder for ninety (90) days, and then shall be deposited in the road use tax fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs, the police chief shall be paid from the road use tax fund.

(Code of Iowa, 2015, Sec. 321.89 [4b])

630.110 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such a motor vehicle. When a demolisher acquires a motor vehicle under Section 630.108, the demolisher shall apply to the police chief for a certificate to demolish the vehicle. The application shall include the name and address of the applicant, the year, make, model, and serial number of the motor vehicle. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall retain all records required by this section for at least one year after the transaction to which it applies.

(Code of Iowa, 2015, Sec. 321.90 [3a & 3b])

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 3 - ABANDONED AND JUNKED VEHICLES AND MACHINERY

ARTICLE 2
JUNKED VEHICLES AND MACHINERY

630.201 DEFINITIONS. For use in this article, the term "Junk Motor Vehicle" or "Junk Machinery" shall mean any motor vehicle or piece of machinery stored within the corporate limits of the city, not displaying registration for the current year as required by law or not in compliance with Iowa Code Section 321.37 regarding the proper display of license plates or a piece of machinery located within the corporate limits of the city which because of any of the following characteristics, constitutes a threat to public health and safety:

1. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass which constitutes a threat to the public health and safety.

2. Habitat for Nuisance Animals or Insects. Any vehicle or piece of machinery which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

3. Defective or Obsolete Condition. Any other vehicle or piece of machinery which because of its defective or obsolete condition or deterioration which in any way constitutes a threat to the public health and safety.

4. Inoperable Vehicle. Any motor vehicle which lacks an engine or two or more wheels or other structural component which renders the vehicle legally incapable of operation on a public roadway.

(Price vs. City of Junction, Texas, 711 F. 2d 582 [CAS, 1983])
(City of Cedar Falls vs. Flett, 330 N.W. 2d 251 [Iowa, 1983])

630.202 JUNKED VEHICLES AND MACHINERY A NUISANCE. Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 630.203 constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of the Code of Iowa, 2015, Section 657.1. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

(Code of Iowa, 2015, Sec. 364.12)

630.203 EXCEPTIONS. The provisions of this chapter shall not apply to a junk motor vehicle or junk machinery stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the city.

630.204 NOTICE TO ABATE. Upon discovery of any junk motor vehicle or junk machinery stored upon private property in violation of Section 630.202, the police chief shall within ten (10) days initiate abatement procedures as outlined in Section 310.201 through 310.209.

(Code of Iowa, 2015, Sec. 364.12)

RESERVED FOR FUTURE USE.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 4
PLANNING AND ZONING COMMISSION

640.1 PLANNING AND ZONING COMMISSION. There shall be a City Planning and Zoning Commission, hereinafter referred to as the commission, consisting of seven (7) members, who shall be citizens of the city and qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the city government, appointed by the council.

(Code of Iowa, 2015, Sec. 414.6 & 392.1)

640.2 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, 2015, Sec. 392.1)

640.3 VACANCIES. If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee.

(Code of Iowa, 2015, Sec. 392.1)

640.4 COMPENSATION. All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the council.

(Code of Iowa, 2015, Sec. 392.1)

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

1. Selection of Officers. The commission shall choose annually at its first regular

meeting one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his absence or disability.

(Code of Iowa, 2015, Sec. 392.1)

2. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

(Code of Iowa, 2015, Sec. 392.5)

3. Annual Report. The commission shall each year make a report to the mayor and council of its proceedings, with a full statement of its receipts, disbursements, and the progress of its work during the preceding fiscal year.

(Code of Iowa, 2015, Sec. 392.1)

4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.

(Code of Iowa, 2015, Sec. 392.1)

5. Comprehensive Plan. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the city or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the council and may publish its studies and recommendations.

(Code of Iowa, 2015, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the city, the commission shall make careful and comprehensive studies of present conditions and future growth of the city and with due

regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

(Code of Iowa, 2015, Sec. 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the city not less than ten (10) nor more than twenty (20) days before the date of hearing, which said hearing shall be held no earlier than the next regularly scheduled meeting of the City Council following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission, an attested copy thereof shall be certified to the council and the council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official city plan.

(Code of Iowa, 2015, Sec. 414.4, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan as hereinbefore provided has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its

recommendations. If the commission disapproves the proposed change, it may be adopted by the council only by the affirmative vote of at least three-fourths (3/4) of the members of the said council.

(Code of Iowa, 2015, Sec. 414.4, & 392.1)

9. Recommendations of Improvements. No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the city for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, 2015, Sec. 392.1)

10. Review and Comment on Plats. All plans, plats, or replats of subdivision or re-subdivisions of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the commission and its recommendations obtained before approval by the council.

(Code of Iowa, 2015, Sec. 392.1)

11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined,

unless such proposal shall first have been submitted to the commission and the latter shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, 2015, Sec. 392.1)

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the city zoning code as provided by Chapter 414 of the 2015 Code of Iowa.

(Code of Iowa, 2015, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete, and exclusive authority to expend for and on behalf of the city all sums of money appropriated to it, and to use and expend all gifts, donations, or payments whatsoever which are received by the city for city planning and zoning purposes.

(Code of Iowa, 2015, Sec. 392.1)

14. Limitation on Entering Contracts. The commission shall have no power to contract debts beyond the amount of its income for the present year.

(Code of Iowa, 2015, Sec. 392.1)

15. City Representative to Planning and Zoning Commission. The administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code shall be an ex-official member of the commission and act as their secretary and technical advisor.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 5
ZONING CODE

Refer to Volume 2, Chapter 5 for Zoning Code Articles.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 6
SUBDIVISION CONTROL

Refer to Volume II, Chapter 6 for Subdivision Control Articles.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 7
MOBILE HOMES AND MOBILE HOME PARKS

670.1 PURPOSE. The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals, and welfare.

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

1. "Closed Construction": shall mean any structure, building, component, assembly, or system manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

2. "Mobile Home": shall mean any 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 as a place for human habitation by one or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa.

3. "Modular Home (Factory Built Home)": shall mean a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

4. "Mobile Home Park": shall mean any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are located for dwelling purposes, either free of charge

or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the facilities of such mobile home park. Lots or areas where mobile homes are displayed for sales purposes and which are not occupied as dwelling units shall not be construed as mobile home parks.

5. "Open Construction": shall mean any structure, building, component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

670.3 LOCATION OF MOBILE HOMES. Mobile homes to be used for dwelling purposes shall be located or placed only in lawfully operated mobile home parks, except as provided in Sections 4, 6, and 7 of this chapter. All mobile homes shall comply with the licensing provisions of the Code of Iowa.

670.4 ILLEGAL PARKING OF MOBILE HOMES. It shall be unlawful for any person to park any mobile home as follows:

1. On any street, alley, highway, or other public place within the corporate limits of the city between the hours of sunset and sunrise.

2. For more than forty-eight (48) hours on the premises of any occupied dwelling or business building lot, or more than twenty-four (24) hours on any lot which is not part of the premises of an occupied dwelling or business building; except in a mobile home park, unless a special permit therefor shall have been first obtained, as required by this chapter.

670.5 ALLOWING ILLEGAL PARKING. It shall be unlawful for any person to allow any premises occupied or owned by him to be used in violation of the terms of this chapter.

670.6 PERMIT FOR TEMPORARY LOCATION OF MOBILE HOME OUTSIDE MOBILE HOME PARKS. The Board of Adjustment may, by permit after public hearing, authorize the temporary location of a mobile home outside mobile home parks. The Board of Adjustment shall issue such permit only when there is no room in any local mobile home park at the time of application, and public health, safety, and welfare interests will not be adversely affected by granting the permit. Such permit shall not be granted for a period in excess of six (6) months and shall be renewable only if there has not been or is no room in any local mobile home park upon date of renewal.

670.7 PERMIT FOR PERMANENT LOCATION OF MOBILE HOME OUTSIDE MOBILE HOME PARKS. The Board of Adjustment may, by permit after public hearing, authorize the permanent location of a mobile home outside of mobile home parks. The Board of Adjustment shall issue such permit only when the property on which the mobile home is to be located contains a minimum of two and one half (2 ½) acres.

670.8 ADOPTION OF STANDARDS FOR MOBILE HOMES. All mobile homes within the city must meet the standards established by the Standard for Mobile Homes, NFPA No. 501B (Proposed ANSI A119.1) (Latest edition including any adopted appendixes, standards, and supplements), National Fire Protection Association. Three (3) copies of said code are on file in the Office of Planning and Construction.

670.9 PERMIT APPLICATION - PARKING OUTSIDE PARK. All applications for a permit for temporary or permanent location of any mobile home outside of a mobile home park, shall be filed with the administrative or supervisory person to whom such duties are assigned pursuant to Title I, Chapter 4, Article 4 of this code.

1. Name and License. The name of the owner or occupant of such mobile home, together with the mobile home license number.

2. Proposed Location. The street and block number of the proposed location, together with the legal description of the location.

3. Plat and Consent. A plat showing the proposed location of the mobile home on the lot, together with the names and written consent of the owners, or their local agent, of all property, any portion of which is within two hundred (200) feet of the proposed mobile home location exclusive of public right-of-way.

4. Sanitary Facilities. A statement of the nature and location of sanitary facilities to be used by the mobile home occupants, and the permission of the occupant of the dwelling or business building on the lot, if there be any, consenting to the use of such facilities, provided, however, that in no case shall such sanitary facilities exceed a distance of two hundred (200) feet from said mobile home.

670.10 EMERGENCY PARKING. Emergency parking of mobile homes upon the streets, alleys, or highways, or any other public or private place, for a period of not in excess of forty-eight (48) hours, shall not constitute a violation of Section 670-4 hereof, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city. The conditions of said emergency shall be attested to be the mayor and chief of police.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 8
ELECTRIC SERVICE & RATES

680.1 SERVICE RULES AND REGULATIONS. The rules and regulations for service are contained in the Service Rules of the Municipal Electric Utility and on file at the City Administrative Offices. The rules and regulations contained therein shall apply to all users of the municipal electric system. Previous conditions of service and regulations not in conflict with those herein will remain in effect.

680.2 SERVICE CONDITIONS.

1. Electric service will be supplied by the city to private, commercial, public, industrial, or other customers only if the services to which it is electrically connected meet the standards and conditions of the applicable codes.

2. Loads having extreme short duration demands or other objectionable electrical characteristics, which create voltage or other service problems, must meet compliance regulations satisfactory to the city's designated authority.

3. Metering. All power and energy is assumed to be metered at secondary voltage. Primary voltage service will be supplied if such is advantageous to both the city and the customer. All new metering shall be located outside of the structure.

4. Buildings containing multiple dwelling units shall have each unit thereof separately metered. Laundry, recreational, and general lighting of such buildings shall be separately metered and classified under the appropriate Commercial rate.

5. Charges for electrical service to special or temporary customers shall be determined by the designated authority.

680.3 ELECTRIC RATES. The base electric rate schedule for electric service furnished by the City of Estherville, Iowa, shall be as shown in the following tariffs:

1. RESIDENTIAL SERVICE.

   Availability. This rate is available for electrical use for separately metered residences and single-family dwelling units. If a customer's premises is used for residential and commercial purposes, and electric consumption is recorded at a single meter, this tariff may be used provided the monthly energy consumption is less than 3,500 kWh. Energy taken under the schedule may not be resold or shared with others.

   Character of Service. Electricity delivered hereunder shall be single phase, 60 Hertz alternating current.

   Rate Schedule.

   * Customer Charge ---------- $12.50 per month
   * Energy Charge ---------- $0.133 per kWh

   Energy Cost Adjustment. All energy is subject to an Energy Cost Adjustment which is set forth in Section 680.3.5.

   Payment. Bills will be issued monthly on the last working day of each month. Bills are due and payable on or before the 20th day of the following month or the next working day if the 20th day of the month occurs on a weekend or holiday. Bills not paid on or before the due date will be increased by one and one-half percent (1½%) of the total billing.

2. SMALL COMMERCIAL SERVICE.

   Availability. This rate is available to single metered multiple-family structures and all non-residential users of electricity for all service of the same character through a

*Revised 11/21/16; Ord. 741
*Revised 3/2/2026; Ord. 834

single delivery point for monthly consumption up to 13,000 kWh. Electricity delivered under this schedule shall not be resold or shared with others.

Character of Service. Electricity delivered hereunder shall be single or three phase, 60 Hertz alternating current, as available at the standard nominal voltages provided by the city. Supply of different voltages to the same customers shall be separately metered and billed.

Rate Schedule.

* Customer Charge ---------- $25.00 per month

* Energy Charge ---------- $0.136 per kWh

Energy Cost Adjustment. All energy is subject to an Energy Cost Adjustment which is set forth in Section 680.3.5.

Payment. Bills will be issued monthly on the last working day of each month. Bills are due and payable on or before the 20th day of the following month or the next working day if the 20th day of the month occurs on a weekend or holiday. Bills not paid on or before the due date will be increased by one and one-half percent (1½%) of the total billing.

3. LARGE COMMERCIAL SERVICE.

Availability. This rate is available to customers with electric demand requirements greater than 49 kilowatts but less than 1,000 kilowatts per month. Electricity delivered under this schedule shall not be resold or shared with others.

Character of Service. Electricity delivered hereunder shall be single or three phase, 60 Hertz alternating current, delivered at one point, as available at the standard voltages provided by the city. Separate supply of different voltages or multiple delivery points to the same customer shall be separately metered and billed.

*Revised 11/21/16; Ord. 741
*Revised 3/2/2026; Ord. 834

Rate Schedule.

* Customer Charge ---------- $69.00 per month
* Demand Charge ---------- $13.25 per kW of billing demand
* Energy Charge ---------- $0.085 per kWh

Billing Demand. The monthly billing demand shall be the measured demand adjusted for power factor, as shown below. The measured demands shall be the maximum 15 minute integrated kilowatt demand during each billing period as recorded by suitable measuring devices.

Energy Cost Adjustment. All energy is subject to an Energy Cost Adjustment which is set forth in Section 680.3.5.

Power Factor Adjustment. The rate schedule of this tariff is based upon the customer maintaining a power factor of not less than ninety-five percent (95%) lagging or leading, during the billing period. During any billing period when the power factor is less than ninety-five percent (95%), the measured demand for billing purposes shall be adjusted by multiplying such demand by ninety-five percent (95%) and divided by the actual measured power factor expressed in percent. The power factor shall be calculated based upon the relationship of the maximum kilowatt demand and the maximum kilovolt ampere reactive demand.

Voltage Discount. For customers receiving service at voltages of 7,200 volts or more, for purposes of billing, all energy used during the period will be multiplied by ninety-eight percent (98%).

Payment. Bills will be issued monthly on the last working day of each month. Bills are due and payable on or before the 20th day of the following month or the next working day if the 20th day of the month occurs on a weekend or holiday. Bills not paid on or before the due date will be increased by one and one-half percent (1½%) of the total billing.

*Revised 11/21/16; Ord. 741
*Revised 3/2/2026; Ord. 834

4. INDUSTRIAL SERVICE.

Availability. This rate is available to customers with electrical demand requirements of 1,000 kilowatts or more per month. Electricity delivered under this schedule shall not be resold or shared with others.

Character of Service. Electricity delivered hereunder shall be single or three phase, 60 Hertz alternating current, delivered at one point, as available at the standard voltages provided by the city. Separate supply of different voltages or multiple delivery points to the same customer shall be separately metered and billed.

Rate Schedule.

* Demand Charge ---------- $13.80 per kW of billing demand

* Energy Charge ---------- $0.076 per kWh

Minimum Charge - shall be no less than seventy-five percent (75%) of the highest billing demand charge during the previous 11 months and it shall remain at this level during the succeeding 11 months in the event the customer's demand does not exceed seventy-five percent (75%) of such highest demand.

Billing Demand. The monthly billing demand shall be the measured demand adjusted for power factor, as shown below. The measured demands shall be the maximum 15 minute integrated kilowatt demand during each billing period as recorded by suitable measuring devices.

Energy Cost Adjustment. All energy is subject to an Energy Cost Adjustment which is set forth in Section 680.3.5.

Powered Factor Adjustment. The rate schedule of this tariff is based upon the customer maintaining a power factor of not less than ninety-five percent (95%) lagging or leading, during the billing period. During any billing period when the power factor is

less than ninety-five percent (95%), the measured demand for billing purposes shall be adjusted by multiplying such demand by ninety-five percent (95%) and divided by the actual measured power factor expressed in percent. The power factor shall be calculated based upon the relationship of the maximum kilowatt demand and the maximum kilovolt ampere reactive demand.

Voltage Discount. For customers receiving service at voltages of 7,200 volts or more, for purposes of billing all energy used during the period will be multiplied by ninety-eight percent (98%).

Payment. Bills will be issued monthly on the last working day of each month. Bills are due and payable on or before the 20th day of the following month or the next working day if the 20th day of the month occurs on a weekend or holiday. Bills not paid on or before the due date will be increased by one and one-half percent (1½%) of the total billing.

5. ENERGY COST ADJUSTMENT.

The Energy Cost Adjustment ("ECA") is designed to recover certain costs which are not foreseeable at the time basic rate schedules are developed. The only costs to be included in calculating the ECA are (1) the total cost of purchase power from the city's wholesale supplier(s), and (2) unforeseen costs of repairing the city's generating station to protect the receipt of the capacity payment from the wholesale supplier(s). Other extraordinary plant expenses may be authorized and included in the ECA by special action of the City Council. The ECA will be calculated monthly and applied to all energy sold by the city. Such calculations are based upon the actual total cost of purchase power, extraordinary plant expenses, and the kilowatt hour sales, compared to the estimated values for such items.

$$\frac{\text{Purchase Power + Extraordinary Plant Expense}}{\text{Total Billable Sales}} - \text{ECA Base Rate}$$

Such ECA base rate is estimated to be $0.0524 per kWh (52.4 mills/kWh).

The ECA will be calculated to five decimal places of a mill/kWh.

680.4 SPECIAL CHARGES. Charges for providing miscellaneous services to customers of the city shall be in accordance with a schedule of rates which is set forth by motion of the City Council from time to time. Miscellaneous services include (but are not limited to) costs associated with electric services, security light installations, disconnecting and reconnection of electric service, service conductor relocation, and meter tests requested by the customer.

680.5 FACILITIES USE CHARGE. When the electrical facilities required to serve a customer's requirements are not included in the standard service provided by the city or if the customer requests service facilities over and above those normally provided by the city for the convenience of such customer, one percent (1%) per month of the installed cost of the excess facilities shall be charged to the customer's monthly bill.

680.6 HOLD HARMLESS AGREEMENT. The city agrees to provide electrical customers within the limits of its capacity to supply such power and energy. It shall not be responsible for consequential damages resulting from interruptions of service caused by weather conditions, act of God, or its inability to provide satisfactory service because of other circumstances. The city assumes no responsibility for consequences resulting from the customer's improper, reckless, or careless use of the services it provides.

RESERVED FOR FUTURE USE.

RESERVED FOR FUTURE USE.

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 9
LAWN MOWING

690.1 PURPOSE. The purpose of this chapter is to protect the health and safety of the citizens and to protect public and private property from an unreasonable fire hazard by regulating the mowing of lawns.

690.2 DEFINITIONS.

1. "Natural Habitat": a parcel of land in its natural state or being returned to a natural state by allowing and promoting the growth of native plants and vegetation for the purpose of providing an environment that encourages the life and growth of animals or plants without restrictions. A natural habitat shall not be nearer than 30 feet to any building or structure.

2. "Lawn": that portion of a parcel of land that is not a natural habitat or a garden, and includes the street right of way lying between the property line and the inside curb lines (or edge of traveled way where no curb exists) of any adjacent street. Lands lying within the Green Belt (A-2) districts and land used for agricultural purposes shall not be considered lawns for the purpose of this ordinance.

***690.3 REGULATION.** All grass must be kept trimmed to a height of less than 8 inches on all lawns within the corporate limits of the City of Estherville.

690.4 ABATEMENT. If any such owner, occupant, or agent fails to comply with Section 690.3 after being given reasonable (seven day) written notice by certified mail to trim the grass, the city shall cause such grass to be cut and the expense incurred shall be a lien on the property.

The city clerk shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount shall be entered against such lot or parcel of land and collected in the same manner as real estate taxes.

*Revised 2-7-2022; Ord. 791

(Code of Iowa, 2015, Sec. 364.12 [h])

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 10
RURAL UTILITY FACILITIES FEES

6010.1 STATEMENT OF INTENT. The Rural Utility Facilities Fee established by this ordinance is for the purpose of assuring that locations outside of the corporate limits of the City of Estherville, Iowa, receiving utility service by the city are contributing to the cost of city facilities required to furnish the utility service rendered to them.

6010.2 In addition to regular utility fees and charges as set forth from time to time in the Code of Ordinances of the City of Estherville, Iowa, customers of the Estherville water, sewer, and electric utilities being served at locations outside of the corporate limits of the City of Estherville, Iowa, shall pay for such extended service the following additional charges to be categorized as Rural Utility Facilities Fees:

1. "Water Service": For all such customers located outside of the corporate limits of the City of Estherville, Iowa, having a water meter the size of less than four (4) inches the sum of twenty-five dollars ($25.00) per month.

2. For any other city utility service utilized the sum of twelve dollars and fifty cents ($12.50) per month.

3. The above facilities fees shall apply to those rural utility customers who start receiving utility service from the City of Estherville, Iowa, after the 1st day of March, 2007. Each user requesting utility service outside of the city limits of the City of Estherville, Iowa, from and after that date shall be required to sign an agreement consenting to payment of the facility fee herein as a condition to receiving such service.