Iowa Leagues of Cities

Sidewalks

Section 364.12 of the Code of Iowa allows cities to enact ordinances requiring property owners to maintain and repair adjacent sidewalks and many communities have found it beneficial to detail such requirements in city code. Some communities have implemented sidewalk programs that help plan for maintenance, repair, replacement and installation. Such plans should detail when sidewalks need to be repaired or replaced, how and when the city will inspect sidewalks, scheduling of repair or replacement projects and how the city will fund the program. Failure by property owners to properly maintain sidewalks can result in the city incurring costs for required work and the costs assessed pursuant to Code Section 364.12 as previously detailed.

Cities also have the authority to approve ordinances that require the installation of sidewalks following proper notice. This is typically done to address areas of the city that do not have a sidewalk or where new construction occurs.

IOWA CODE 364.12

- 364.12 Responsibility for public places.
- 1. As used in this section, "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
 - 2. A city shall keep all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons open, in repair, and free from nuisance, with the following exceptions:
 - a. Public ways and grounds may be temporarily closed by resolution. Following notice as provided in section 362.3, public ways and grounds may be vacated by ordinance.
 - b. The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within a reasonable amount of time and may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice. If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence which afford a reasonable basis for measuring the amount of the claimant's actual damages, and the amount of actual damages shall not be determined by speculation, conjecture, or surmise. All legal or equitable defenses are available to the abutting property owner in an action brought pursuant to this paragraph. The city's general duty under this subsection does not include a duty to remove natural accumulations of snow or ice from the

sidewalks. However, when the city is the abutting property owner it has the specific duty of the abutting property owner set forth in this paragraph.

- c. The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.
- d. A city may serve notice on the abutting property owner, by certified mail to the property owner as shown by the records of the county auditor, requiring the abutting property owner to repair, replace, or reconstruct sidewalks.
- e. If the abutting property owner does not perform an action required under this subsection within a reasonable time, a city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. This power does not relieve the abutting property owner of liability imposed under paragraph "b".
- f. A city has no duty under this subsection with respect to property that is required by law to be maintained by a railway company.

3. A city may:

- a. Require the abatement of a nuisance, public or private, in any reasonable manner.
- b. Require the removal of diseased trees or dead wood, except as stated in subsection 2, paragraph "c" of this section.
- c. Require the removal, repair, or dismantling of a dangerous building or structure.
- d. Require the numbering of buildings.
- e. Require connection to public drainage systems from abutting property when necessary for public health or safety.
- f. Require connection to public sewer systems from abutting property, and require installation of sanitary toilet facilities and removal of other toilet facilities on such property.
- g. Require the cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.
- h. If the property owner does not perform an action required under this subsection within a reasonable time after notice, a city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time within which action is required. However, in an emergency a city may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.
- 4. In addition to any other remedy provided by law, a city may also seek reimbursement for costs incurred in performing any act authorized by this section by a civil action for damages

against a property owner. However, a city shall not seek reimbursement for costs incurred in performing an act if the same act has not been performed by the city on adjoining city-owned property. For the purposes of this subsection, a county acquiring property for delinquent taxes shall not be considered a property owner.

- 5. A city may cause, without prior determination and notice, the repair or replacement of public improvements including, but not limited to, sidewalks, water stop boxes, and driveway approaches if the property owner does all of the following:
- a. Requests the repair and replacement of the public improvements specified in this subsection abutting the property owner's property located outside the lot and property lines and inside the curb lines.
- b. Waives the requirement of a prior finding by the city council that the condition of the public improvements constitutes a nuisance and the requirement of prior notice.
- c. Consents to the repair of the public improvements and the assessment of the cost of the repair to the abutting property.
- 6. If, in repairing and replacing improvements in the area between the lot or property lines and the curb lines pursuant to subsection 5, it becomes necessary for the city to repair or replace adjacent improvements in the area, the cost of repairing or replacing the adjacent public improvements may be assessed, with consent of the property owner, against the property which the public improvements abut.
- 7. A city may accumulate individual assessments for the repair and replacement of sidewalks, driveway approaches, water stop boxes, or similar improvements or for the abatement of nuisances, and may periodically certify the assessments to the county treasurer under one or more assessment

HARTFORD ORDINANCE 136

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction

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

- 1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
- 2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
- 3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
- 4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.

- 5. "Portland cement" means any type of cement except bituminous cement.
- 6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
- 7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
- 8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel. of sidewalks upon the abutting property owner and to minimize the liability of the City.
- **136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.** It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. (Code of Iowa, Sec. 364.12[2b & e])
- **136.04 RESPONSIBILITY FOR MAINTENANCE.** It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. (Code of Iowa, Sec. 364.12 [2c])
- **136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. (Code of lowa, Sec. 364.12[2d & e])
- **136.06 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa. (Code of Iowa, Sec. 384.38)
- **136.07 PERMIT REQUIRED.** No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.
- **136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:
 - 1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
 - 2. Construction. Sidewalks shall be of one-course construction.
 - 3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

- 4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
- 5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
- 6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line, unless the Council establishes a different distance due to special circumstances.
- 7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
- 8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk and shall be elevated one-half ($\frac{1}{2}$) inch above the adjoining ground.
- 9. Slope. All sidewalks shall slope one-quarter (¼) inch per foot toward the curb.
- 10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
- 11. Ramps for Persons with Disabilities. There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

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

- **136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.
- **136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.
- **136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.
- **136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

- 1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
- 2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
- 3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.
- **136.15 FIRES OR FUELS ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.
- **136.16 DEFACING.** It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk. (Code of Iowa, Sec. 716.1)
- **136.17 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle. (Code of Iowa, Sec. 364.12 [2])
- **136.18 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.
- **136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

Sidewalk Committee Members

Joe Hammond

Harvey Blanchard

Lindsey Clark

Dan Jutting

Melody Jutting

RESOLUTION 102020-1

A RESOLUTION AUTHORIZING USE OF LOCAL OPTION SALES AND SERVICE TAX PROCEEDS FOR THE FIRE DEPARMENTS NEW MOTOROLA RADIO MOUNTS

- WHEREAS, Chapter 423B of the Code of Iowa authorizes the imposition of certain local option taxes after an election in which the majority of voters in the affirmative, and
- WHEREAS, the City Council of the City of Hartford has participated in a special county-wide election for permitting the electorate to pass upon the proposition of imposing a one percent (1%) sales and service tax for the City of Hartford according to Chapter 423B.1.3 of the Code of Iowa, and
- WHEREAS, the electorate of Hartford, Warren County, Iowa approved by majority vote the approval of a one percent (1%) sales and service tax for the City of Hartford to be allocated 0% for property tax relief and 100% for any lawful purpose, and

WHEREAS, the local option sales and service tax collection period commenced on July 1, 2020;

THEREFORE, BE IT RESOLVED by the City Council of the City of Hartford, that:

Section 1. The City Council of the City of Hartford will allocate six thousand three hundred eighty-one dollars and sixty-six cents (\$6381.66) of Annual Local Option Sales and Service Taxes to the General Fund for the purchase for the purchase of the Fire Departments New Motorola Radio Mounts.

PASSED AND APPROVED thisday of	, 2020.
	Kandi S. Petry, MAYOR
ATTEST:	
Cynthia Crippen, CITY CLERK	_

Applicant

License Application (LC0042136

Name of Applicant:

MONALOU TRADING POST LLC

Name of Business (DBA): MonaLou Trading Post LLC

Address of Premises: 100 S Vine unit B

City Hartford

County: Warren

Zip: 50118

Business

(515) 989-0626

Mailing

100 S Vine

City Hartford

State IA

Zip: <u>50118</u>

Contact Person

Name Lou McCormick

Phone: (515) 250-1338

Email

sunshine.m.collins@gmail.com

)

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: <u>11/01/2019</u>

Expiration Date: <u>10/31/2020</u>

Privileges:

Class C Liquor License (LC) (Commercial)

Outdoor Service

Sunday Sales

Status of Business

BusinessType:

Limited Liability Company

Corporate ID Number:

XXXXXXXXX

Federal Employer ID XXXXXXXXX

Ownership

Louis McCormick

First Name:

Louis

Last Name:

McCormick

City:

Hartford

State:

<u>lowa</u>

Zip: <u>50118</u>

Position:

president

% of Ownership: 51.00%

U.S. Citizen: Yes

Mona McCormick

First Name:

<u>Mona</u>

Last Name:

<u>McCormick</u>

City:

<u>Hartford</u>

State:

lowa

Zip: 50118

Position:

Treasurer

% of Ownership: 49.00%

U.S. Citizen: Yes

Insurance Company Information

Coloathia Indianasa Ca aftha Cauth Foot

insurance Company: <u>Selective insurance Co. or the South East</u>

Policy Effective Date: 11/01/2019 Policy Expiration 11/01/2020

Bond Effective Dram Cancel Date:

Outdoor Service Effective Outdoor Service Expiration

Temp Transfer Effective Date: Temp Transfer Expiration Date:

Sep. 30. 2020 1:45 PM License has been submitted.

No. 3185 P. 1

Dram Shop Liability Certificate of Insurance LC0042136, LLC, Hartford

Complete the information below a	nd dick Si	OF TIMEL	endorse this	Renewal	application.

POLICY INFORMATION Reason for re-submittal: This is to certify: Selective insurance Co. of the South East Policy Number, S1837723 MONALOU TRADING POST LLC MonaLou Trading Post LLC 100 S Vine unit B Address:

Address Line 2: Hartford City: State: lowe

MIMPODAYYYY 11/01/2020 Policy Effective Date. To: • Thru:

CHECK LIST

Outdoor Service Endorsement

Policy Information Verified (If incorrect please contact the licensee)

Does this policy contain an annual aggregate limit provision?

if Yes, Annual aggregate limit is:

The above-meritioned policy of insurance (hardnester policy) contains coverage to comply with the provisions of lowe Code section 123.92 and all requisitions of

The policy may be conceled by the Company of the Assured giving 20 days notice in writing to the Atopholic Beverages Division at its office, Ankeny, Icwa. The by the division.

Winenever requested by the division, the company agrees to furnish to the division a duplicate original of the policy and all pertinent endorsements.

Signature: 🗹

Date: 09/30/2020

MM/DD/YYYY



Goldsberry Giraffix PO Box 83

PO Box 83 Hartford, IA 50118

Phone: (515) 210-0118

Email: sales@goldsberrygiraffix.com

INVOICE

BILL TO:	DATE: 07/21/20
City of Hartford	
	PO#:

QTY	DESCRIPTION	SIZE	COLOR	RATE	AMOUNT
2	City Truck Door logo		COLOR		AMOUNT
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				Subtotal	\$42.00
	THANK YOU FOR YOUR ORDER!		Sale	s Tax (7%)	\$0.00
l R	emember us for all your promotional products	. [Total	\$42.00
and decorated apparel needs.		' [Paymei	nts/Credits	\$0.00
			Bal	ance Due	\$42.00

OFFICIAL PUBLICATION CITY OF HARTFORD SPECIAL COUNCIL MEETING MINUTES Tuesday, September 24, 2019, 6:00 PM City Hall, 150 W Elm St

Officials present: Mayor Kandi S. Petry and council members Lindsey Clark, Dana Smith, Mark Goldsberry, and Sophia Eckert. Also present: City Clerk Travis Goldsberry, Public Works Steve Eckert and Brandon Bennett. In attendance was Snyder & Associates' Jim Lund and Jordan Stoermer. Mayor Petry called the meeting to order at 6:02 PM. The Pledge of Allegiance was recited. Motion by Goldsberry, seconded by Eckert to approve agenda items as written; motion carried unanimously by voice vote.

MINUTES: Motion by Eckert, seconded by Goldsberry to approve September 17, 2019 Regular Council Meeting minutes; motion carried unanimously by voice vote.

Mayor Petry welcomed guests and opened floor for public comment; no public comment.

REPORTS: Reports were given by Mayor Petry, Public Works Senior Eckert, council committee member Smith, and council committee member Sophia Eckert.

<u>OLD/UNFINISHED BUSINESS:</u> Council discussed three possible options for the new sewer lagoon project. Snyder & Associates provided cost analysis and effluent limits for each option. Discussed sewer rate increases and possible hardship on citizens. Mayor Petry to inquire options with public finance firm. Council to hold town hall meeting in October to present information to citizens.

NEW COUNCIL BUSINESS: Motion by Goldsberry, seconded by Cark to transfer \$86,004.06 from the General Fund to the Local Option Sales & Service Fund; motion carried unanimously by roll call vote. Council discussed allowing alcohol in city park during park fundraiser. Motion by Eckert, seconded by Goldsberry for a temporary moratorium on City Ordinance 120.03.02 for October 5th during the park fundraiser; motion carried unanimously by roll call vote.

<u>ADJOURNMENT:</u> Motion by Eckert, seconded by Clark to adjourn; motion carried by voice vote. Mayor Petry adjourned special city council meeting at 8:08 p.m.

Travis Goldsberry, Clerk Attest: Kandi S. Petry, Mayor

NOTE: Minutes are unofficial until approved by council-final approval may include corrections.

CHAPTER 120

BEER, LIQUOR AND WINE CONTROL

120.01 General Prohibition 120.02 Persons Under Legal Age 120.03 Public Consumption or Intoxication

120.04 Open Container on Streets and Highways 120.05 License or Permit Required

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 terms, conditions, limitations, and restrictions enumerated in State law and this Code of Ordinances.

(Code of Iowa, Sec. 123.2)

PERSONS UNDER LEGAL AGE. As used in this section, "legal age" means twenty-one (21) years of age or more.

A person or persons under legal age shall not purchase or attempt 1. 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 State laws.

(Code of Iowa, Sec. 123.47[2])

A person under legal age shall not misrepresent the person's age 2. for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine or beer from any licensee or permittee.

(Code of Iowa, Sec. 123.49[3])

120.03 PUBLIC CONSUMPTION OR INTOXICATION.

- As used in this section unless the context otherwise requires: 1.
 - "Arrest" means the same as defined in section 804.5 of the Code of Iowa and includes taking into custody pursuant to section 232.19 of the Code of Iowa.
 - "Chemical test" means a test of a person's blood, breath, or В. urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.

- C. "Peace Officer" means the same as defined in section 801.4 of the Code of Iowa.
- D. "School" means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.
- 2. A person shall not use or consume alcoholic liquor, wine or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place, except premises covered by a liquor control license. A person shall not possess or consume alcoholic liquors, wine or beer on public school property or while attending any public or private school-related function. A person shall not be intoxicated or simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor.
- 3. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

(Code of Iowa, Sec. 123.46)

120.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. (See Section 62.10 of this Code of Ordinances.)

120.05 LICENSE OR PERMIT REQUIRED. It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.2 and 123.171)

RESOLUTION NO. 102020-3

RESOLUTION APPOINTING A CITY COUNCIL MEMBER TO FILL A VACANT UNEXPIRED TERM

WHEREAS, the City Council of the City of Hartford received the written resignation of Dana Smith, effective August 18, 2020. The City Council has authority, as described in Iowa Code section 372.13(2)(a), to fill a vacancy in the office of city council member.

WHEREAS, on September 15th, 2019 the City Council approved a resolution of intent to fill said vacancy by appointment, and at the direction of the City Council, the Clerk caused a notice to be published on September 24th, 2020 and October 1st, 2020, in The Carlisle Citizen, a newspaper of general circulation in the English language within Warren County, Iowa.

WHEREAS, the City Council finds that Haldean Wilson is a person who is qualified, ready, willing, and able to serve in the office of city council member, and the City Council does hereby appoint Haldean Wilson to the office of Council Member for the City of Hartford, Iowa. Pursuant to section 372.13(2)(a), said appointment shall be for the period until the next pending election unless there is timely filed in the office of the City Clerk a petition calling for a special election and bearing the requisite number of signatures of eligible electors.

BE IT RESOLVED by the City Council of Hartford, Iowa, that Haldean Wilson is hereby appointed as City Council Member for the City of Hartford, Iowa. The Mayor shall administer the oath of office. The Mayor and City staff are authorized and directed to do all other things necessary and convenient to carry out the purposes of this resolution.

PASSED AND APPROVED this day of	_, 2020.
	<u> </u>
Kandi S. P	etry, Mayor
Attest:	
Cynthia Crippen, City Clerk	
CERTIFICATION	
I, Cynthia Crippen, City Clerk of the City of Hartford do hereb was passed by the City Council of the, 2020.	y certify that the above Resolution No City of Hartford on the day of
- <u></u>	, City Clerk

I, Haldean Wilson, 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 the duties of the office of City Council in Hartford, Iowa, as now or hereafter required by law.

Haldean Wilson,	Date

ORIDINANCE 102020-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA BY AMENDING CHAPTER 56 DOG LICENSES

BE IT ENACTED by the City Council of the City of Hartford, Iowa:

SECTION 1. Chapter 56 Dog Licenses Sections 56.01 through 56.05 are repealed.

Section 2. Chapter 56 Dog Licenses is amended to include the following:

56.01 ANNUAL LICENSE REQUIRED. Every owner of a dog and/or cat over the age of six (6) months shall procure a license from the Clerk on or before the first day of May of each year. Upon payment of the license fee, the Clerk shall issue to the owner a license, which shall contain the name of the owner, the owner's place of residence and a description of the dog and/or cat.

(Ord. 30-Sep. 03 Supp.)

56.02 LICENSE FEES. License Fees are due by May 1 and include \$10 for spay/neutered animal and \$30 for unaltered animal for the first time licensing. Licenses are then half price for each subsequent renewal for the same animal. Renewal must occur by deadline of May 1. There is an additional fee of \$75 if not paid by May 1st. If license expires prior to renewal, the full license fee will be required.

(Ord. 30-Sep. 03 Supp.)

- **56.03 DOG TAGS.** Upon issuance of the license, the Clerk shall deliver to the owner a metal tag stamped with the number of the license. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without a license tag attached to its collar or harness shall be deemed unlicensed. While not required, it is strongly suggested for ease of returning animals at large to their owners to also wear identification including a phone number and/or address of owner.
- **56.04 IMMUNIZATION.** Before issuance of the license, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated and that the vaccination does not expire within six (6) months from the effective date of the dog license. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

56.05 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE passage, approval and publication as prov		ance shall be in effect from and a	fter its final
PASSED by the City Council this, 2020.	day of	, 2020, and APPROVED thi	s day of
		Kandi S. Petry, MAYOR	
ATTEST:			
Cynthia Crippen, CITY CLERK			
1st Reading – Motion by Council Member of Ordinance No. 102020-03 AYES:	, seconded b	y Council Member	, first reading
NAYS:			
ABSENT:			
2 nd Reading – Motion by Council Member of Ordinance No. 102020-03 AYES:	, seconded b	y Council Member	, first reading

NAYS:

ABSENT:
3 rd Reading –
Motion by Council Member, seconded by Council Member,
first reading of Ordinance No. 102020-03.
AYES:
NAYS:
ABSENT:
The Mayor declared Ordinance No. 102020-03 was passed onday of,, 2020.

ORDINANCE 102020-5

AN ORDINANCE TO AMEND ORDINANCE CHAPTER 75 ALL-TERRAIN VEHCICLES AND SNOWMOBILES ADD UTILITY TERRAIN VEHICLES AND GOLF CARTS

BE IT ENACTED by the City Council of the City of Hartford

Section 1. Chapter 75 All-Terrain Vehicles and Snowmobiles Sections 75.01 through 75.06 are hereby repealed in the entirety.

Section 2. Chapter 75 All-Terrain Vehicles and Snowmobiles is amended to the following:

ALL-TERRAIN VEHCILES, UTILITIY-TERRAIN VEHCILES GOLF CARTS AND SNOWMOBILES

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, utility-terrain vehicles and golf carts on certain streets with in the City, as authorized by Section 321.247 and Chapter 321I of the Code of Iowa, as amended. This chapter applies whenever an ATV, UTV or Golf Cart is operated on any street or alley, subject to those exceptions stated herein.

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

- 1. "GOLF CART" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pound, or is designed to be, and is operated at not more than 25 mph, and is designed to carry not more than 4 persons including the driver.
- 2. "ALL-TERRAIN VEHICLES" or "ATV" means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration and not for the purpose of regulation.
- 3. "UTILITY-TERRAIN VEHCILES' means any recreational motor vehicle, designed for and capable of travel over designated road, traveling on four (4) or more tires, maximum weight less than two thousand (2,000) pounds and having a wheelbase of on hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches.
- 4. "SNOWMOBILE" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-typed runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

75.03 GENERAL REGULATIONS. No person shall operate any ATV/UTV or Golf Cart within the city limits of the City of Hartford, 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 operations; or the provisions of section **75.04** of this Code.

75.04 ALL ATV/UTV AND GOLF CARTS REGISTERED. No person shall operate ATV/UTV or Golf Cart on any public street, or alley for any purpose unless said ATV/UTV or Golf Cart is registered by the City of Hartford.

- 1. ATV/UTV or Golf Cart owners may register a ATV/UTV or Golf Cart with the Mayor's designee using forms provided by the City.
- 2. The Mayor's designee shall not register a ATV/UTV or Golf Cart until the following has occurred:
 - a. Owner has provided evidence that the ATV/UTV or Golf Cart is registered by Iowa law, and that such registration is current. The owner/operator shall maintain such responsibility.
 - b. Owner has provided proof of current financial responsibility in accordance with Section 321.20B of the Code of Iowa. The owner shall maintain such financial responsibility.
 - c. The Mayor's designee has inspected the vehicle 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.
- 4. All registrations issued shall uniquely identify the name and address of the owner/operator.
- 5. Annually the registration fee shall be twenty-five dollars (\$25.00)
- 6. Registrations shall be effective from November 1 through October 31.
 - a. Registrations may be renewed after Owner/Operator has filed an application to renew with the Mayor's designee and all conditions set out in 75.04 and 75.05 have been met.
 - b. Fee for renewed registration shall be twenty-five dollars (\$25.00)

75.05 EQUIPMENT. ATV/UTV or Golf Cart registered with the City of Hartford shall be equipped as required by Section 321I.12 and 321I.13 of the Code of Iowa, including but not limited to:

- 1. A slow moving vehicle sign.
- 2. A bicycle safety flag of fluorescent orange color and/or a lighted whip, the top which shall be a minimum of five (5) feet above the surface of the street.
- 3. ATV/UTV or Golf Cart operated on city streets shall be equipped with adequate brakes.
- 4. Headlights
- 5. Taillights

75.06 OPERATION

1. No person shall operate an ATV/UTV or Golf Cart 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, or fourteen (14) years of age with Iowa issued Drivers Permit with adult supervision with an immediate family member at twenty-one (21) years of age and does not have a valid Iowa Driver's License.
- 2. Traffic Code. Any person operating and ATV/UTV or Golf Cart 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. ATV/UTV or Golf Cart shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall they be operated at a speed greater than is reasonable and proper for the existing conditions.
- 4. Lights. No ATV/UTV or Golf Cart shall be operated without a lighted Headlight and Taillight from sunset to sunrise and 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 and Parking. No person shall leave an ATV/UTV or Golf Cart unattended on public property while the motor is running or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulations in the City.
- 6. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season.
- 7. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle and operated in a safe manor.

75.07 LOCATIONS.

- City Streets. Registered ATV/UTV or Golf Cart may be operated upon streets under the
 jurisdiction and within the corporate limits of the City of Hartford for the purpose listed
 above. ATV/UTV or Golf Cart shall not be operated upon any city street that is a primary
 road extension or state highway. For the purpose of this ordinance State Streets shall be
 considered a primary road extension. ATV/UTV or Golf Cart may cross such primary
 road extensions.
- 2. Trails. ATV/UTV or Golf Cart shall not be operated on any recreational, bike or walking trails unless the trail is specifically designated to allow use of motor vehicles.
- 3. Sidewalks. ATV/UTV or Golf Cart shall not be operated upon sidewalks Unless the operator is engaged in snow removal or sidewalk maintenance activities.
- 4. "Parking". ATV/UTV or Golf Cart 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 Hartford. ATV/UTV or Golf Cart shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council.
- 6. Private Property. ATV/UTV or Golf Cart may only be operated on private property with the express consent of the owner.

75.08 NEGLIGENCE. The owner and operator of an ATV/UTV or Golf Cart is liable for any injury or damage occasioned by negligent operation of the ATV/UTV or Golf Cart.

75.09 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ATV/UTV or Golf Cart is involved in an accident resulting in injury or death to anyone, or property damage amounting to two hundred dollars (\$200.00) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State Law.

75.10 VIOLATION AND PENALTY.

- 1. Any person guilty of violation the provisions herein shall be guilty of a misdemeanor and shall be subject to fine of one-hundred dollars (\$100.00) and revocation of the City of Hartford registration for a period of two months.
- 2. Any person guilty of violations this ordinance two times in a twelve (12) month period Shall be subject to a fine of two-hundred dollars (\$200.00) and revocation of the City of Hartford 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 Hartford revocation.
- 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.
- **Section 3. REPEALER CLAUSE.** Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.
- **Section 4. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such as adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional
- **Section 5. EFFECTIVE DATE.** This ordinance shall be in effect following final passage, approval, and publication of this ordinance as required by law.

PASSED by the City Counci day of, 2020.	l this day of	, 2020, and	APPROVED this
	Kandi S. F	Petry, MAYOR	
ATTEST:			
Cynthia Crippen, CITY CLERK			
1 st Reading –			
Motion by Council Member of Ordinance No. 102020-05 AYES: NAYS: ABSENT:	_, seconded by Council N	Iember	, first reading
2 nd Reading –			
Motion by Council Member of Ordinance No. 102020-05 AYES: NAYS: ABSENT:	_, seconded by Council M	1ember	, first reading
3 rd Reading –			
Motion by Council Member first reading of Ordinance No. 102020 AYES: NAYS: ABSENT:	, seconded by Cou 0-04.	ncil Member	,
The Mayor declared Ordinance No. 1	02020-02 was passed on _	day of,	, 2020.

City of Hartford ATV/UTV/GOLF CART Registration

Hartford Registration # _		
Name:(L)		(F)
Address:		
Phone: (H)	(C)	
Email:		
Golf Cart/ATV/UTV/ Make		
Policy Number:		
ATV/UTV Proof of DNR Re	egistration:	Registration#
I understand this permit is is my ATV/UTV/Golf Cart.	sued to me and is to be	clearly displayed on the left rear fender of
		opted by the City of Hartford,,,ee to abide by all conditions in the ordinance.
Signature:		_Print:
		•
Approved by: City of Hartford		date:
Office Use		
Amount of fee: \$25.0	0 Date pa	aid.

ORDINANCE 102020-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 69.10 PARKING REGULATIONS OF THE CITY OF HARTFORD, IOWA,

BE IT ENACTED by the City Council of the City of HARTFORD, Iowa:

SECTION 1. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 2. Chapter 69.10 SNOW EMERGENCY is amended to read as follows.

69.10 **SNOW EMERGENCY**. A snow emergency is defined as any accumulation of snow of one inch or more and/or any ice requiring street clearance. The emergency shall continue through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency and the snow has ceased to fall for the 48hr period.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This amended ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 20th day of October, 2020, and approved this 20th day of October, 2020.

ATTEST:	Kandi S. Petry	Mayor
Cynthia Crippen City Clerk		

ORDINANCE 102020-04

AN ORDINANCE ADDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA BY ADDING CHAPTER 57 VICIOUS DOGS

BE IT ENACTED by the City Council of the City of Hartford, Iowa:

- **SECTION 1.** Chapter 57 Vicious Dogs is added to include the following:
- **57.01 DEFINITION**. For the purpose of this chapter, a "vicious dog" means:
 - L Any dog with a known propensity, tendency or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
- **57.02 KEEPING OF VICIOUS DOGS.** Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is confined. A vicious dog is unconfined unless the following conditions are met:
 - 1. **Leash and Muzzle.** No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, building, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.
 - 2. **Confinement.** All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided above. Such pen, kennel or structure must have secured sides and a secure top attached to the sides. All structures to confine vicious dogs must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

CHAPTER 57 VICIOUS DOGS

No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION. Unconfined vicious dogs shall be seized and impounded in accordance with the following:

- 1. The Mayor or the Mayor's designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is unconfined and vicious as defined herein, may initiate proceedings to declare such dog as a vicious dog. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of being unconfined and vicious. The notice shall also set forth that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on those premises if no adult is present to accept service.
- 2. If after a hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering, harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, city law enforcement is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of said order, the Police Chief shall cause the animal to be destroyed.
- 3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.
- 4. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

CHAPTER 57 VICIOUS DOGS

57.04 INSURANCE. The owner of any vicious dog must provide proof to the Clerk of public liability insurance in a single accident amount of\$150,000.00 for bodily injury to or death of any person or persons or for damages to property owned by any such persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy shall be made unless ten (IO) days' written notice is first given to the Clerk. Proof of insurance must be provided to city clerk yearly when relicensing dog.

57.05 VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this chapter shall, upon conviction, be guilty of a simple misdemeanor. Should the defendant refuse to remove the dog from the City, the magistrate shall find the defendant (owner) in contempt and order the inundate confiscation (impoundment) of the dog. Each day that a violation of this chapter continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council this (day of, 2020, and APPROVED this day	of
	Kandi S. Petry, MAYOR	
ATTEST:		
Cynthia Crippen, CITY CLERK		

CHAPTER 57 VICIOUS DOGS

1st Reading –		
Motion by Council Member, so of Ordinance No. 102020-04 AYES:	seconded by Council Member	, first reading
NAYS:		
ABSENT:		
2 nd Reading –		
Motion by Council Member, so of Ordinance No. 102020-04 AYES:	seconded by Council Member	, first reading
NAYS:		
ABSENT:		
3 rd Reading –		
Motion by Council Member first reading of Ordinance No. 102020-0 AYES:		
NAYS:		
ABSENT:		
The Mayor declared Ordinance No. 102020	0-02 was passed on day of,	, 2020.

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation70.02 Scheduled Violations70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended 70.05 Presumption in Reference to Illegal Parking 70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

- 1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
- 2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8 of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8 of the Code of Iowa.

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of five dollars (\$5.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased to ten dollars (\$10.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

- 70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:
 - 1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
 - 2. Registered Owner. The defendant named in the information was the registered owner at the time in question.
- 70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:
 - 1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236 [1])

- 3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.
- 4. Parked Over Seventy-two Hour Period. When any vehicle is left parked for a continuous period of seventy-two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236 [1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, Sec. 321.236 [1])

or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage area by persons traveling on public right of ways or standing at level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type B.

165.21 CULVERTS

1. New and Existing Driveways. The property owner shall, at the City's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. The property owner shall be responsible for the cost of the culvert itself. In the event culvert repairs are needed at any time, it shall be the responsibility of the property owner to make such repairs and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the Council Treasurer and specially assessed against the property as by law provided. The size of the culver to installed shall be determined by the City.

165.22 BOARD OF AJDUSTMENT.

1. Board Established. The Board of Adjustment shall be established in accordance with Chapter 22 of the Municipal Code of the City of Hartford.

165.23 DUTIES OF BOARD OF ADJUSTMENT.

- 1. Duties. The Board of Adjustment shall have the following powers and duties, each as further defined and prescribed in Chapter 22 of the Municipal Code of the City of Hartford:
 - A. Administrative Review.
 - B. Special Use Permits.
 - C. Variances.
- 165.24 BUILDING PERMITS. No Building or structure shall hereafter be erected, altered, or extended until a Building Permit shall have been issued by the city in accordance with the provisions of Chapter 156 of this Code of Ordinances.
 - 1. Exceptions to Building Permit requirements. No building permit or certificate of occupancy and compliance shall be required for any of the following:
 - A. Re-roofing an existing roof.
 - B. Siding, provided it complies with Section 165.07, paragraph 19.
 - C. Ordinary steps leading to a door.
 - D. Patio floors flush to the ground.
 - E. Window and door awnings on residential buildings.
 - F. Television antennae, mounted directly to a building, extending nor more than 12 feet above the top of the roof.
 - G. Lawn ornaments under 6 feet high.

ORIDINANCE 102020-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARTFORD, IOWA BY AMENDING CHAPTER 55 ANIMAL PROTECTION AND CONTROL

BE IT ENACTED by the City Council of the City of Hartford, Iowa:

SECTION 1. Chapter 55 Animal Protection and Control Sections 55.01 through 55.03 are repealed.

- **Section 2.** Chapter 55 Animal Protection and Control is amended to include the following:
- **55.01 DEFINITIONS.** The following terms are defined for use in this chapter.
 - 1. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

- 2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
- 3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.

(Code of Iowa, Sec. 717.1)

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

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

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the

livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

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

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

- **55.05 LIVESTOCK** It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.
- **55.06 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.
- **55.07 DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.
- **55.08 ANNOYANCE OR DISTURBANCE. It** is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.
- **55.09 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. See definition of vicious dog in 57.01 (1).
- **55.10 RABIES VACCINATION.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(*Code of Iowa, Sec. 351.33*)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of

such bite or attack to report this act to a local health or law enforcement official. **It** is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(*Code of Iowa, Sec.* 351.38)

55.12 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(*Code of Iowa, Sec.* 351.39)

55.13 AT LARGE: IMPOUNDMENT. Elected city officials and/or city personnel will initially attempt to reunite animal at large with owner via ID tag or microchip. If reuniting is not successful, then per contracted vendor contract, they will board and care for animal at large. Owners of animals at large will incur fees as detailed in 55.15.

(Ord. 44-May 06 Supp.)

55.14 IMPOUNDING COSTS AND PENALTIES. Any animal at large captured by city personnel or elected city officials shall incur a penalty in addition to any fees incurred by contracted vendor as detailed in Chapter 177: Fines and Fees. (*Ord. 44-May 06 Supp.*)

(Code of Iowa, Sec. 351.37)

55.15 VIOLATIONS, PENALITIES AND ALTERNATIVE RELIEF.

Violations of Chapter 21 (Animal Control) of the Warren County Code of Ordinances shall be remedied by the current provisions provided in Chapter 2 (County Infractions) of the Warren County Code of Ordinances.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

PASSED by the City Council this, 2020.	day of	, 2020, and APPROVED th	nis day of
		Kandi S. Petry, MAYOR	
ATTEST:			
Cynthia Crippen, CITY CLERK			
1st Reading – Motion by Council Member of Ordinance No. 102020-02 AYES:	, seconded b	y Council Member	_, first reading
NAYS:			
ABSENT:			
2 nd Reading – Motion by Council Member of Ordinance No. 102020-02 AYES:	, seconded b	y Council Member	_, first reading
NAYS:			
ABSENT:			
3 rd Reading – Motion by Council Member first reading of Ordinance No. 102020- AYES:		nded by Council Member	

NAYS:	
ABSENT:	
The Mayor declared Ordinance No. 102020-02 was passed onday of,, 2020).

Applicant

License Application (BC0022833

Name of Applicant:

Git N Go Convenience Stores Inc

Name of Business (DBA): Git N Go Convenience Store #16

Address of Premises: Hwy #5 N Vine St RR 1

City Hartford

County: Warren

Zip: 5011898

Business

(515) 989-0132

Mailing

2716 Indianola Ave

City Des Moines

State IA

Zip: 503152399

Contact Person

Name Karen Comstock

Phone: (515) 288-8565

Email

karengng@outlook.com

)

Classification Class C Beer Permit (BC)

Term: 12 months

Effective Date: 11/01/2019

Expiration Date: 10/31/2020

Privileges:

Class C Beer Permit (BC)

Sunday Sales

Status of Business

BusinessType:

Privately Held Corporation

Corporate ID Number:

XXXXXXXXX

Federal Employer ID XXXXXXXXX

Ownership

Dennis Flora

First Name:

Dennis

Last Name:

<u>Flora</u>

City:

Des Moines

State:

<u>iowa</u>

Zip: <u>50315</u>

Position:

<u>Owner</u>

% of Ownership: 100.00%

U.S. Citizen: Yes

Insurance Company Information

Insurance Company: First Western Insurance

Policy Effective Date:

Policy Expiration

Bond Effective

Dram Cancel Date:

Outdoor Service Effective

Outdoor Service Expiration

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

Alcoho: Topacco Links Contact

Action List

License List

On-Demand Reporting

Keg Registration Search

User Profile

Privileges

Applicant

Status Of Business

Ownership

Criminal History

Premises

General Premises

Applicant Signature

Applicant Signature BC0022833, Git N Go Convenience Store #16, Hartford

Complete the information below and click Finish to complete the application Note that the license fees will only be withdrawn from accounts after the ABD approves the license.

This application must be completed by a person listed in the Ownership Section.

I hereby declare that all information contained in the Application is true and correct, I understand that misrepresentation of material facts in the Application is a crime and grounds for denial of the license or permit under lowa law. I further understand that, as a condition of receiving a license, the licensed premises is subject to inspection during business hours by appropriate local, state and federal officials.

NOTE: The Applicant's Name must match one of the owner's names from the Ownership screen.

Owner's Signature: DENNIS FLORA

Date: 08/31/2020

MM/DD/YYYY

Tentative effective date: 11/01/2020

MM/DD/YYYY

Licensees are required to submit a bi-annual report of shipment to lowa consumers due January 10th and July 10th for the previous six months of shipment. This report can be found on the "Action List" under "Complete a Tax Report".

Amount to be transferred from your \$ 90.00 account:

Please notify your Financial Institution to allow ACH debits by our agency's ACH ID number. 142-6004553.

Funds will be pulled from your account 2 days after ABD approves the license. You are ready to submit the application for your license to sell alcoholic beverages in the State of towa. By providing the bank information requested and clicking on "finish" you are indicating that you are an owner or authorized user of the bank account listed and that you hereby authorize ABD to debit the account in the amount indicated above.

地為聯盟 AUTHENN 5,07 × 5,18 7.0	i ne	\` }	 0123 m p secessor
1	Company (Secure) Britania Peter Miller		\$
PANK NAME ACCESS OF FIF Y AIF JOS			 , 4. 70
CO12345678%	01234567890123r	0153	
Bank Routing Number	Bank Account Number	Check Number	

Applicant's Bank Name: US BANK

Mike Killen Construction

1679 140th ave Carlisle Iowa 50047 (515) 480 6082



Date 9-8-20

Invoice for

eity of Hartford

Pay To Mike Killen

Address

Vine and locust Interestion

Description

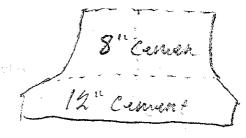
Qty

Unit price

Total price

Mike Killen

Carlisle, IA 515-480-6082



Total

14.58000

Tearout and fourtakes half at a time allement Repartice backer backer backer and cutting sealing saw Joints

Mike Killen Construction

1679 140th ave Carlisle Iowa 50047 (515) 480 6082



Date 4-8-20

Invoice for

byty of Hartrand

Pay To Mike Killen

Mike Killen

Carlisle, IA 515-480-6082

Address Elmand Mine

Description

Qty

Unit price

Total price

Total

1.84090

Street Patch, toward convent and pour Buck all Particement Rebar lobor Backhoe Skidloader For Bose Sealing Sourtaints are Rock

ORDINANCE NO. 102020-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 69 OF THE CITY OF HARTFORD, IOWA, BY ADDING A NEW SECTION FOR NO PARKING ON GEORGE STREET

BE IT ENACTED by the City Council of the City of HARTFORD, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of HARTFORD, Iowa, 2019 is amended by adding a new Section in Chapter 69, numbered 69.11.11, entitled GEORGE STREET, which is hereby adopted to read as follows:

: 69.11.11 George Street, on the both sides, from Vine Street to Washington Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the of, 2020.	day of	, 2020, and approv	ed this day
	Kandi S. Pet	ry Mayor	
ATTEST:			
Cynthia Crippen City Clerk			
1st Reading –			
Motion by Council Member	, seconded b	y Council Member	, first reading
of Ordinance No. 102020-01 AYES:			
NAYS:			
ABSENT:			
2 nd Reading –			
Motion by Council Member	, seconded by	y Council Member	, first reading
of Ordinance No. 102020-01			
AYES: NAYS:			
ABSENT:			

3 rd Reading –	
Motion by Council Member, seconded by Council Member	,
first reading of Ordinance No. 102020-01.	
AYES:	
NAYS:	
ABSENT:	
The Mayor declared Ordinance No. 102020-01was passed onday of,, 2020	•
I certify that the foregoing was published as Ordinance No. 102020-01 on the day o, 2020.	of
City Clerk	

CITY OF HARTFORD

150 West Elm Street, PO Box 190 Hartford, IA 50118

515-989-0267 clerk@hartfordia.com

**** INVOICE ****

DATE: September 9, 2020

INVOICE NO: 2020-03

DATE OF SERVICE: August 27, 2020

TERMS: Net 30 Days

DECODIDMION

LOCATION: 225 W. Elm St

Hartford, IA. 50118

Re: ½ Of the Alley Culvert Replacement

21-77-22 HARTFORD OTP BLK 6 N 1/2 ALY ON S OF W 44' LOT 6 & ALL LOTS 7-8

 $m \cap m \wedge T$

DESCRIPTION	TOTAL
Corrugated Culvert Dual-Wall Tee	\$ 29.995
Corrugated Solid Dual-Wall Plain	
End Culvert Drainage Pipe	<u>\$ 57.495</u>
Total Due	\$ 87.49

Pride Concrete 20258 McKinley ST Milo, IA 50166

Estimate

Date	Estimate #
9/24/2020	593

Name / Address	

Project
Street patch

			Succi paicii
Description	Qty	Cost	Total
Intersection of Vine and Elm 16'6"x10'6". Remove and haul away concrete. Compacted fill under 8" M-4 concrete with 1/2" rebar placed 4' on center each way. Broom finish with control joints placed accordingly.		2,780.00	2,780.00
Intersection of Vine and Locust approx 1475sq ft. Remove and haul away asphalt. Compacted fill under 8" M-4 concrete with 1/2" rebar placed 4' on center each way. Broom finish with control joints placed accordingly.		11,300.00	11,300.00
If both done at the same time \$500.00 can be deducted.		0.00	0.00
A FINANCE CHARGE of 1.5% per month (18% PED	AND THE STATE OF T		

A FINANCE CHARGE of 1.5% per month(18%PER ANNUM) will be charged on all past due accounts.

Total

\$14,080.00

Cannot be held liable for pop-outs and random cracking

Customer Signature

RESOLUTION 102020-2

A RESOLUTION AUTHORIZING TRANSFERS

WHEREAS, the City Council of the City of Hartford Transferred Funds for Resolution 021820-1.

WHEREAS, these funds were transferred to General Funds from the Water & Road Use Tax to purchase a skid loader.

WHEREAS, the Transfers were made with incorrect amounts from the Water & Road Use Tax Funds.

WHEREAS, the City Clerk/Treasurer has presented the following list of the transfers needed to Correct The previous Transaction.

- **Section 1**. The City Council of the City of Hartford will transfer Nine thousand Sixty-Eight dollars and Three cents (\$9,068.03) of General Funds to the Water Funds to correct the transfer for the purchase of the Skid Loader.
- **Section 2**. The City Council of the City of Hartford will transfer Nine Thousand Sixty-Eight Dollars and Three Cents (\$9,068.03) of Road Use Tax Proceeds to the General Fund to correct the transfer for the purchase of the Skid Loader.
- **NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hartford, Iowa, that the City clerk is directed to make all listed entries.
- **BE IF FURTHER RESOLVED,** that the Mayor and City Clerk are hereby authorized and directed to execute said resolution.

PASSED AND APPROVED this 20th day of October, 2020

	Kandi S. Petry – MAYOR
ITEST:	
Cynthia Crippen – CITY CLERK	

AMY OROZCO 150 South West St. T-1220

	GALS OF	SEWER
Month	WATER	CHARGE
JANUARY	4000	58.46
FEBRUARY	4000	58.46
MARCH	5000	71.02
APRIL	4000	58.46
MAY	5000	71.02
JUNE	16000	209.18
JULY	26000	334.78
AUGUST	7000	96.14
SEPTEMBER	6000	83.58
OCTOBER	5000	71.02
	82000	1112.12

AVERAGE GALS OF WATER OVER 8 MONTHS AVERAGE SEWER BILL OVER 8 MONTHS

5000 71.02

71.02 +

THE STATE OF THE S

JUNE 16000-5000 11000 156.31 JULY 26000-5000 21000 298.41 32000 @ 11.42 365.44 32000 @ 5.71 182.72

Gallons of water Avg. 58•46 + 4,000° + 71.02 + 4,000· + 58 • 46 + 5,000 + 71.02 + 4°000° + 96.14 + 5,000° + 83.58 + 7,000 + 71.02 + 6,000 + 568 • 16 * 5,000· + 40,000 * 568·16 ÷ 8• = 40,000° ÷

8• = 5,000• +

305,23 Y

605.23 Y

414.59 Y

-58.09 Y

Balance

11.57 Y

326.85 Y

(86.281)

From: "Amy Orozco" <orozcoamyrenae@aol.com>
To: "clerk@hartfordia.com" <clerk@hartfordia.com>
Subject: possibly apply a leak rate on my water bill

Date: 8/25/2020 11:12:39 AM

HI, this is Amy Orozco,

Hive on 150 S West St in Hartford.

I recently had a leak that we were unaware of, then we fixed it after seeing our bill. I have attached details of how Warren Water was able to apply a leak rate to our bill. I was hoping there is something you could do for me as well. I spoke with a gentleman on the phone and he said to send the details and you could discuss it.

I appreciate anything you can do, and thank you for your time.

614-556-1429 Thank you Amy

WARREN COUNTY

PHONE 515-961-1122

OFFICE OF BRIAN S. VOS, SHERIFF POST OFFICE BOX 337 INDIANOLA, IOWA 50125

November 3, 2020

Hartford City Hall P.O. Box 910 150 Elm St Hartford, Ia. 50118

Mayor;

The attached report summarizes the activities for the month of October 2020 in the community. It is compiled from officer's logs and records of the office. There were sixty-seven calls for service initiated or received in the month. They include:

SEE ATTACHED CALLS FOR SERVICE SHEETS

Five citations and or warnings were written in the Hartford area during the month.

Officers spent in excess of 65.75 hours in the community.

If you should have any questions, please contact me.

Sheriff Brian S. Vos

Warren County