

BUILDING AND PROPERTY REGULATIONS

TABLE OF CONTENTS

CHAPTER 145 - DANGEROUS BUILDINGS	785
CHAPTER 146 - MANUFACTURED AND MOBILE HOMES.....	789
CHAPTER 147 - DEMOLITION OF BUILDINGS	801
CHAPTER 148 - STORM WATER MANAGEMENT	809
CHAPTER 150 - BUILDING NUMBERING.....	831
CHAPTER 151 - TREES.....	833
CHAPTER 155 - BUILDING CODE	855
CHAPTER 156 - ELECTRICAL CODE	875
CHAPTER 157 - PLUMBING CODE	879
CHAPTER 160 - FLOOD PLAIN REGULATIONS	901

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Building Inspector is responsible for the enforcement of this chapter.

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

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement

officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.†

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF MANCHESTER, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

† **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

o o o o o o o o o o

CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

146.04 Regulations for Mobile Home Park Owners
Generally

146.05 Mobile Home Park Area and Yard Requirements

146.06 Compliance with State Building Code

146.07 Mobile Home Park Occupations

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

(Code of Iowa, Sec. 435.1)

1. "Manufactured home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. "Manufactured home community" means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. "Mobile home" means 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 also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. "Mobile home park" means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term "manufactured home community" or "mobile home park" is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. **Retailer's Stock.** Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

146.04 REGULATIONS FOR MOBILE HOME PARK OWNERS GENERALLY. No person shall make alterations, construct, expand or remodel a manufactured home community or mobile home park within the City without first submitting a plan or plat of the proposed development as required in Chapter 180 of this Code of Ordinances (the Subdivision Ordinance). Said community or park, its facilities and the homes therein shall comply with City's subdivision regulations and with all other applicable ordinances of the City, including zoning, unless otherwise stated.

146.05 MOBILE HOME PARK AREA AND YARD REQUIREMENTS. Mobile home parks or manufactured home communities shall be designed and maintained in accordance with the following requirements:

1. **Minimum Requirements.**
 - A. Area – 8 acres;
 - B. Front yard – 50 feet (to be measured from all streets on which park abuts).
 - C. Side yard – 35 feet.
 - D. Rear yard – 35 feet.
 - E. Sanitary facilities – as specified in the Subdivision Ordinance.
 - F. Streets – Each mobile home shall have direct access to a park street. The minimum roadway width and surfacing materials of interior park streets shall comply with the City's subdivision specifications for residential streets.
 - G. Fire hydrants – Fire hydrants shall be so installed so that all mobile home spaces will be within 300 feet of a fire hydrant.
2. **Mobile Home Spaces – Minimum Requirements.**
 - A. Area – 50 by 80 feet.
 - B. Size – 4,000 square feet.
 - C. Off-drive parking – one parking space for each home space; one on- or off-street space for each two such lots to accommodate guests.

- D. Front yard – 15 feet.
 - E. Rear yard – 10 feet.
 - F. Side yard – 5 feet each side, with a minimum of 20 feet between any two homes.
3. Sidewalks. Sidewalks shall be provided from the entrance of each trailer to the service facilities. These walks shall be constructed of concrete as specified in the City's Subdivision Ordinance.
 4. Landscaping – Unused Areas. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width shall be established and maintained within the trailer park along its exterior boundaries.
 5. Concrete Slab. Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of 8 by 10 feet and a minimum thickness of four (4) inches.
 6. Length of Occupancy. No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

146.06 COMPLIANCE WITH STATE BUILDING CODE. Before being located, whether permanently or for a temporary period of time allowed by a temporary permit, all mobile homes located in the City limits shall have a certificate that shows that the mobile home is in compliance with the current State Building Code as to mobile home construction.

146.07 MOBILE HOME PARK OCCUPATIONS. The intent of this section is to protect and maintain the residential character of a mobile home park neighborhood while permitting certain limited commercial activities which are specifically authorized to be carried out on the premises. This section is designed to accommodate the special nature of mobile home parks and allow for orderly development compatible with the residential character of mobile home parks.

1. Definitions. For use in this section the following additional terms are defined:
 - A. "Mobile home park occupation" means any business, profession, occupation or activity conducted for gain within the office building of a mobile home park, which is located in a mobile home park and which does not change the essential residential character of the neighborhood.
 - B. "Office building" means an office building of a mobile home park as referred to herein and includes buildings designed for management of the affairs of the mobile home park and/or providing shelter to occupants of the mobile home park in terms of storms or other natural disaster.
2. Regulations.
 - A. The business, profession, occupation or activity shall employ no more than two (2) full-time employees or its equivalent.
 - B. All activities of said business, profession or occupation shall be conducted entirely within the confines of the office building.

- C. All services conducted and commodities sold shall be related and incidental to the mobile home park occupation.
- D. No commodity, merchandise or materials, processed or unprocessed, shall be displayed on the exterior and no exterior storage of such commodities, merchandise or materials or other exterior indication of the occupation shall be allowed, except as set forth in subsection 3 below.
3. Signs and Displays. No sign, other than a nameplate no more than two square feet in area, shall be allowed; the sign shall be non-lighted, shall be non-reflecting in nature, and may be attached to the building or may be freestanding. A freestanding sign shall be at least five feet from all property lines.
4. Physical Requirements.
- A. The building and all property involved must conform to accepted zoning and regulatory specifications at all times.
- B. No equipment or process shall be used in such mobile home park occupation that creates noise, vibration, glare, fumes, odors, electrical disturbances, or excessive traffic generation, which would be objectionable or detrimental to the residential character of the mobile home park neighborhood.
5. Conformity to Regulations. Any business, profession, occupation or activity which does not meet these definitions, regulations and requirements, shall not be deemed to be a mobile home park occupation.
6. Permit Requirement. A mobile home occupation cannot be granted or exercised without obtaining a mobile home court occupation permit.
7. Application for Permit. Persons seeking a mobile home park occupation permit shall file with the Building Inspector a request for the permit, setting forth the proposed activity, the number of employees anticipated for the activity, the hours during which the activity will be conducted on the premises, and such other information as may be requested by the Board to perform the review of the application. The Building Inspector shall forward copies of the application to the Board of Adjustment. The Board of Adjustment shall consider the application and either grant the permit, grant it subject to conditions or modifications, or deny the permit. In their review the Board of Adjustment shall consider each of the standards of review as set forth in this section.
8. Conditions Imposed. The Board of Adjustment may impose such conditions, including restrictions and safeguards, upon the property benefited by the permit as considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the permit. Violations of such conditions shall be deemed a violation of this section.
9. Standard for Review of Mobile Home Park Occupation Permits. In considering requests for permits, the Board of Adjustment shall first determine that:
- A. Granting the permit will not materially diminish or impair an adequate supply of light and air to adjacent property.
- B. Granting the permit will not materially increase the congestion in public streets.

- C. Granting the permit will not materially increase the danger of fire or other threat to public safety.
- D. Granting the permit will not unreasonably diminish or impair established property values within the surrounding area.
- E. Granting the permit will not in any other respect materially diminish or impair the public health, comfort, morals or welfare of inhabitants of the area or of the City in general.
- F. The surrounding property will be protected.

The Board of Adjustment may require conditions for issuing the permit which it deems necessary to protect the residential character of the mobile home park.

10. Failure to Act. In case an applicant does not exercise his or her rights, act, begin construction or operation or occupancy, as the case may be, in accordance with the permit granted by the Board of Adjustment within six (6) months after the matter has been acted upon by the Board, such permit shall become null and void.

[The next page is 801]

CHAPTER 147

DEMOLITION OF BUILDINGS

147.01 Permit Required
147.02 Permit Application
147.03 Permit Fee
147.04 Minimum Standards
147.05 Barricades, Fencing and Lighting
147.06 Insurance Required

147.07 Removal of Rubbish and Refuse
147.08 Restoration of Public Property
147.09 Inspection
147.10 Completion by the City
147.11 Responsibility for Costs

147.01 PERMIT REQUIRED. No person shall demolish or remove any building or structure or a portion of any building or structure in the City, or cause the same to be done, without first obtaining a permit from the City.

147.02 PERMIT APPLICATION. Application for a permit shall be made in writing to the Building Inspector and shall include the following:

1. The property owner's full name and address;
2. A description of the work to be covered by the permit and the location at which it will occur;
3. The name and address of the person who will perform the work;
4. The date of commencement of the work and estimated completion date;
5. Verification that the water service line has been disconnected and capped at the main and that the meter box has been removed from the building;
6. Verification that the sewer service line has been disconnected and capped at the edge of the property line closest to City main;
7. Acknowledgement that any septic tank and leach fields are removed or properly filled per Iowa Department of Natural Resources Standards;
8. Signature of either the property owner or the contractor;
9. The date and number of the Iowa One Call;
10. Proof of electric and gas disconnections if applicable;
11. Acknowledgement that all hazardous materials have been removed from the demolition site;
12. Any other information deemed pertinent by the Building Inspector.

147.03 PERMIT FEE. Permit fees set by resolution of the Council, the amount depending on whether or not water/sewer disconnection is required, shall be payable at the time of filing of the application.

147.04 MINIMUM STANDARDS. Demolition or removal projects shall comply with the following minimum standards:

1. All underground tanks must be removed.
2. Drainage must be provided.

3. Demolition material must be removed to a depth of at least two (2) feet from the surface prior to backfilling.
4. Backfill must consist of a granular fill material installed to a level even with the property elevation.
5. Buildings must be inspected for asbestos. Asbestos removal must comply with Iowa Department of Natural Resources requirements.

147.05 BARRICADES, FENCING AND LIGHTING. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. No demolition work shall be commenced until pedestrian protection structures are in place, if required, and they shall be maintained in place and kept in good order for the entire length of time pedestrians may be endangered.

147.06 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum accounts:

1. Bodily Injury - \$100,000 per person; \$200,000 per accident
2. Property Damage - \$300,000 per accident

147.07 REMOVAL OF RUBBISH AND REFUSE. The owner of the building or the person performing the demolition shall be responsible for the removal of all rubbish and refuse associated with the demolition.

147.08 RESTORATION OF PUBLIC PROPERTY. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

147.09 INSPECTION. All work shall be subject to inspection by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when backfill is to be placed.

147.10 COMPLETION BY THE CITY. Should any work under the permit be discontinued or left unfinished for a period of two weeks after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the work and charge any expenses therefore to the permit holder/property owner.

147.11 RESPONSIBILITY FOR COSTS. All costs and expenses incident to the work shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such work.

[The next page is 809]

CHAPTER 148

STORM WATER MANAGEMENT

148.01 Purpose	148.07 Ownership by City
148.02 Definitions	148.08 Private Ownership
148.03 Areas Requiring Storm Water Management Plan	148.09 Further Requirements
148.04 Storm Water Management Requirements	148.10 Exemptions
148.05 Management Plan Design Requirements	148.11 Penalties
148.06 Submission and Approval of Plan	148.12 Objections

148.01 PURPOSE. It is the purpose of this chapter to establish policies to manage and control Storm Water Runoff occurring from new Development of residential, commercial and industrial areas. The goal is to reduce peak runoff caused by Development of the land. This will result in cost savings to the overall storm sewer collection system by reducing the size of improvements required. In addition, increased public safety and sediment and erosion control are the expected benefits.

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

1. “Capacity (of a storm water facility)” means the maximum volume or rate of conveyance available in a storm water management facility, including freeboard, to store or convey storm water without damage to public or private property.
2. “Civil Engineer” means a professional engineer licensed in the State of Iowa to practice in the field of civil works.
3. “Control structure” means part of a storm water management facility designed to regulate the storm water runoff release rate.
4. “Design storm” means a storm with characteristics of the average storm for the desired return frequency.
5. “Detention basin” means any facility designed for the purpose of temporarily holding water which is then released at a predetermined rate and controls the flow of storm water downstream.
6. “Development” means the changing of land from its existing state or an area of land use change, usually involving the building of infrastructure, housing, commercial, and/or industrial structures.
7. “Developed condition” means the hydraulic and hydrologic site characteristics that occur upon completion of a development.
8. “Drainage area” means an area of land contributing to storm water runoff.
9. “Green infrastructure” means natural drainage ways, wet lands, infiltration systems, open green space, etc.
10. “Green space” means that area in and around a development which is covered with grass, trees, shrubs, and other natural plantings that naturally absorbs storm water.
11. “New development” means the platting of land for the establishment of residential, commercial, industrial and/or agricultural lots.

12. "Overflow path" means the path taken by storm water runoff as a result of flows exceeding the capacity of the underground drainage system or detention basin. The path may include streets, channels, drainage ways or areas of sheet flows, and be located on public property or private property within an easement.
13. "Pre-developed condition" means the hydraulic and hydrologic site characteristics that occur prior to a proposed development, including natural storage areas, drainage ways, drainage tiles and highway drainage structures.
14. "Regional storm water management facilities" means those facilities designed to handle storm water runoff from several lots which may include the entire subdivision, or multiple subdivisions, and may include existing developed areas.
15. "Retention basin" means storm water management practice that captures storm water runoff, and does not directly discharge to a surface water body. Water that is "retained" is "discharged" from the basin either by infiltration or evaporation.
16. "Return frequency" means the statistic parameter that defines the average occurrence time for a storm of a given magnitude.
17. "Site" means a lot, parcel or tract of land (or portion thereof) where development is occurring or has occurred and which may or may not require additional permits.
18. "Site plan" means an overall plan of the area to be developed including, but not limited to: proposed building location, proposed parking and drive locations, proposed utilities including storm sewer components and subsurface drain tile, proposed ground elevations with drainage patterns highlighted, roof drainage outlet locations, other underground utilities, and property boundaries.
19. "Storm sewer system" means facilities for the conveyance of storm water runoff, a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters and swales.
20. "Storm water management facilities" means a detention/retention basin and the associated appurtenances to make the system functional.
21. "Storm water management plan" means a site plan certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased storm water runoff from the site.
22. "Storm water runoff" means the flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.
23. "Subdivision" – refer to Section 180.06(31) of this Code of Ordinances.

148.03 AREAS REQUIRING STORM WATER MANAGEMENT PLAN. A storm water management plan shall be required for the following:

1. All new residential, commercial, industrial developments and subdivisions 2 acres in size and larger. Phased residential, commercial and industrial developments whose combined total is 2 acres and larger.
2. Commercial and industrial developments under 2 acres in size shall maintain a minimum of 20% green space.

3. In developments where the natural drainage is divided into more than one watershed, the individual watershed drainage areas must meet the criteria mentioned above before storm water management is required.
4. Residential, commercial, industrial zoning districts with an overall area of two acres or more shall provide on-site storm water detention. Commercial, industrial and multi-family residential lots with an overall area less than two acres shall comply with one of the following, as approved by the City Manager:
 - A. Privately owned, on-site detention/retention basin.
 - B. Tributary to a privately or publicly owned detention/retention basin, storm sewer, drainage watercourse or storm water management facility.

In some watersheds, on-site storm water detention may not be required, at the discretion of the City Manager, for non-single-family lots with an overall area of less than two acres.

5. Other developments may be required to submit a storm water management plan at the discretion of the City Council. No subdivision or development plan over two acres will be approved unless adequate drainage will be provided to an appropriate storm sewer, drainage watercourse, or storm water management facility.
6. At the discretion of the City Council, a fee may be charged the developer in lieu of providing storm water management facilities. This may be utilized when the City is constructing a larger regional storm water management facility to handle multiple existing or proposed developments.

148.04 STORM WATER MANAGEMENT REQUIREMENTS. The storm water management plan shall include, but not be limited to, the following information:

1. Peak discharges for pre-developed and developed conditions based upon the design storms.
2. Individual parameters used for determining discharges shall be listed.
3. Hydraulic capacity of storm sewer inlets, pipes, open channels or other means of conveying water.
4. Green space calculations to meet the 20% minimum requirement.
5. Detention/retention basin design with capacity listed.
6. Control structure/outlet design.
7. Review of existing or proposed downstream conveyance capacities.
8. The SCS TR-55 computerized runoff volume program or other technically proven method shall be utilized for runoff calculations.

No storm water management facilities are required if storm water runoff from a development, up to and including the 100-year storm, can be piped or conveyed in its entirety directly to the Maquoketa River without significant adverse impact to intervening properties. Similar waivers of storm water management requirements may be considered on other watersheds on a case-by-case basis.

148.05 MANAGEMENT PLAN DESIGN REQUIREMENTS. The design requirements of the storm water management plan shall include:

1. Developments requiring storm water management shall be required to detain the difference between the 5-year pre-developed storm and the 100-year developed storm.
2. The maximum release rate for storms up to an expected return frequency of 100 years shall be the 5-year pre-developed storm. A safe overflow path shall be designed for storms exceeding the capacity of the detention/retention basin.
3. Regional storm water management facilities are encouraged. Wet basins are also encouraged because they enhance water quality, add aesthetic value, and increase property value.
4. For new residential developments, storm water detention is not allowed within any front or side yard setbacks required by the Zoning Code, or within 25 feet from the estimated rear building line. A single lot detention or retention will not be allowed within 3 feet of rear building lot line.
5. Dry-bottomed detention basins shall be oversized by 10% to help offset anticipated sedimentation. An alternative to over-sizing is the construction of a series of sediment trapping fore bays in the basin with firm bottoms which allow routine removal of sediment.
6. Maximum side slopes of detention/retention basins shall not exceed 3.5:1.
7. Provisions shall be made to keep the bottom of the detention basin dry unless a permanent pond or lake is being utilized for detention.

148.06 SUBMISSION AND APPROVAL OF PLAN. A site plan shall be a required attachment to a proposed storm water management plan, all of which is to be submitted to the City Manager for review. The storm water management plan, including proposed storm water detention facilities, shall be reviewed and approved by the City Manager (or those chosen by the City Manager) prior to the issuance of any building permit for the proposed Development. The City may inspect the site at any time to determine compliance with this chapter. Upon determination that a site is not in compliance with this chapter, the City may issue a stop work order until compliance is achieved. The order shall describe the problem, specify a completion date, and indicate the penalties to be assessed for further noncompliance.

148.07 OWNERSHIP BY CITY. Regional storm water management facilities which are of sufficient size may be deeded to and be maintained by the City. The conditions for City ownership will be reviewed on a case-by-case basis. The City is under no obligation to accept ownership of the facility. If the City elects to obtain ownership of the facility, the property owner shall dedicate to the City any property on which public storm sewer detention/retention basins will be located with a 25-foot perimeter (subject to change) to establish and maintain a vegetative buffer. Ingress-egress easements for maintenance of public facilities shall be provided prior to final approval.

148.08 PRIVATE OWNERSHIP. For sites on which privately owned storm water detention or retention facilities are located, the property owner will be responsible for the following:

1. All future grading, repairs, and maintenance.
2. Maintenance of the minimum storm water detention capacity, as originally designed.

3. Maintenance of the detention/retention basin control structures and discharge pipes to insure the maximum theoretical design release rate is not increased.
4. The property owner shall not place fill material, or erect any buildings, obstructions, or other improvements on the area reserved for storm water detention or retention purposes, unless approved in writing by the City.
5. Maintenance of the facility so as to be in compliance with Section 50.02 of this Code of Ordinances.

148.09 FURTHER REQUIREMENTS. Compliance with this chapter does not relieve the developer or property owner of other responsibilities relating to storm water discharge. This includes, but is not limited to NPDES storm water discharge permits regulated by the Iowa Department of Natural Resources and other State of Iowa and Federal requirements.

148.10 EXEMPTIONS. The following are exempt from the requirements of the chapter:

1. Agricultural use of land.
2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
3. Areas deemed appropriate by the City Manager and the City Council.

148.11 PENALTIES. Any person who shall engage in development of a site within the area of jurisdiction of this chapter before meeting the requirements of this chapter shall be subject to the following: No foundation permits or building permits shall be issued for the property in question until the violations are corrected. Nothing contained herein shall limit the right of the City to any other remedies available to the City for the enforcement of this chapter, including the use of municipal infractions. Enforcement of this section shall be the responsibility of the City.

148.12 OBJECTIONS. Any objections to decisions made pursuant to this chapter shall be reviewed by the Street Committee and final approval from the City Council.

[The next page is 831]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than three (3) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

o o o o o o o o o o

CHAPTER 151

TREES

151.01 Purpose	151.07 Arboricultural Specifications and Standards of Practice
151.02 Definitions	151.08 Trees on Public Property
151.03 Authority of City Generally	151.09 Trees on Private Property
151.04 Trimming or Removal	151.10 Enforcement
151.05 Supervisory Authority of Street Superintendent	
151.06 Planting Restrictions	

151.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring street trees to be uniformly located and maintained. The primary responsibility for maintaining street trees is placed upon the abutting property owner or his agent, and the Street Superintendent shall supervise any extensive trimming or cutting of said trees.

151.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “City Arboricultural Specifications and Standards of Practice” means the document containing the detailed performance standards and specifications to be used in carrying out the provisions of this chapter.
2. “City property” means and includes the property owned by or leased to the City.
3. “Contractor” means any person, business who receives compensation for the performance of work done.
4. “Forestry Improvement Committee” means the duly established committee responsible to study, investigate, counsel and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs within the City.
5. “In the City streets” means the property included in that area located within any area platted as a City or public street.
6. “Maintain” or “maintenance,” when used in reference to trees, means and includes pruning, spraying, mulching, fertilizing, cultivating, supporting, treating for disease or injury or any other similar act which promotes the life, growth, health or beauty of trees.
7. “Parkway” means that portion of the public right-of way between the curb or the edge of the traveled portion of the street and the adjacent property line used for the purpose of planting and maintaining City street trees.
8. “Private tree” means any and all trees growing on private property.
9. “Property owner” means a person owning private property in the City, as shown by the County Auditor’s Plat of Manchester.
10. “Public property” means any and all property located within the confines of the City and owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City Government.

11. "Public tree" means any and all trees growing on the public property including but not limited to street right-of-ways.
12. "Right-of-way" means a parcel of land intended to be occupied for streets, sidewalks, utilities and other public purposes.
13. "Shrubs" means woody vegetation usually growing with multiple stems and a height less than ten (10) feet.
14. "Topping" means heading, stubbing, rounding, tipping or "dehorning" which means the drastic removal of large branches, severely cutting back limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
15. "Trees" means woody vegetation usually growing with a single stem and a height over ten (10) feet.

151.03 AUTHORITY OF CITY GENERALLY. The City shall have jurisdiction over all trees and other planting on the streets, highways, alleys, parkways and City grounds within the City in order to provide orderly tree trimming and removal, to protect the health of all trees from disease and to require trees and planting to be maintained in a manner not dangerous to public safety.

151.04 TRIMMING OR REMOVAL. Nothing in this chapter shall be construed so as to give or recognize any property or vested rights in and to any trees heretofore or hereafter planted on any street or avenue in the City; the City expressly reserves and asserts its rights at any time to trim or remove or cause to be trimmed or removed any tree now or hereafter planted on any street or avenue parkway whenever the Street Superintendent deems such trimming or removal advisable for the purpose of street improvements, or to eliminate hazardous situations or for the needs of travel of traffic without compensation to the abutting property owners.

151.05 SUPERVISORY AUTHORITY OF STREET SUPERINTENDENT. The Street Superintendent shall be responsible for the enforcement of provisions of this chapter and the supervision of all work by City employees or contractors in the trimming, removal, maintenance, or planting of trees and other plantings on the streets, highways, alleys, parkways, and other City property. No person shall interfere or cause any person to interfere with any work being done under the provisions of this chapter by any employee of the City or by any person doing work for the City.

151.06 PLANTING RESTRICTIONS. No tree shall be planted in any parking or public right-of-way except in accordance with the following: No person shall plant a tree within the parking or public right-of-way without first obtaining a permit therefore, which shall show the type of tree to be planted and the placement of the tree. The application form for such permit is available at City Hall. The application for a permit shall not be considered by the Street Superintendent unless and until the applicant has staked the exact location for the proposed street tree and has obtained permission to dig in such exact location from all concerned utilities. The approval of the permit shall be at the discretion of the Street Superintendent, taking into account the provisions of this chapter, the City Tree Plan and the best interests of the community. The permit shall expire six months from date of issue. The tree planting must comply with the City Arboricultural Specifications and Standards of Practice. There will be no fee for this permit.

151.07 ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Establishment. There is hereby established an Arboricultural Specifications and Standards of Practice document of and for the City. This document includes but is not limited to: (i) species of street trees allowed and banned; (ii) the spacing between street trees and distances from fixed objects; (iii) proximity of street trees to utility lines; and (iv) topping.
2. Authority. The performance standards and specifications contained within the City Arboricultural Specifications and Standards of Practice shall be considered a part of this chapter and made subject to all its provisions.

151.08 TREES ON PUBLIC PROPERTY.

1. Permits. No person except the City or a person hired by the City shall plant or remove any tree on City property without first filing an application and obtaining a permit from the City. The person receiving the permit shall abide by the Arboricultural Specifications and Standards of Practice as adopted by the City. The City shall have the authority to require any permit holder to show adequate insurance coverage to cover potential damages that occur during the execution of the work. In the case of the property owner doing the work, proof of homeowner personal liability insurance may be required. If the property owner has hired another person or contractor to do the work, the contractor shall provide the City with a certificate of insurance. The certificates shall show the following minimum required limits of coverage of Commercial General Liability Insurance with limits of not less than \$500,000 per occurrence and Worker's Compensation Insurance coverage at statutory limits on any and all employees. A public utility shall also be required to obtain a permit to trim or remove any tree on any street or other public place. The work shall be limited to the actual necessities of the service of the company in the area specified on the permit. This work shall be done in accordance with the Arboricultural Specifications and Standards of Practice as established for the City. The City may assign an inspector to supervise the provisions of the permit. The cost of the service shall be charged to the public utility. In the event severe weather has caused a tree to damage utility lines, the utility company or the City (or authorized agent) may trim or remove trees necessary to repair the damaged utility lines without first obtaining a permit. A permit should be obtained before any additional trimming not required for repair of the utility line is done.
2. Planting.
 - A. Tree Species. The City Forestry Improvement Committee shall develop and maintain a list of desirable trees for planting in the right-of-way as part of the City's Arboricultural Specifications and Standards of Practice. The Forestry Improvement Committee shall also establish and maintain a list of trees not suitable for planting.
 - B. Spacing. In order to promote the healthy and vigorous growth of street trees, their spacing shall be in accordance with the City's Arboricultural Specifications and Standards of Practice.
 - C. Utilities. In order to minimize obstructions and conflicts, the placement of street trees under, over, adjacent to or near utility lines shall be

limited as specified in the City's Arboricultural Specifications and Standards of Practice.

D. Distance from Curb and Sidewalk. In order to promote the healthy and vigorous growth of street trees, certain distances as specified in the City's Arboricultural Specifications and Standards of Practice from curbs, sidewalks, driveways and intersections shall be maintained.

E. Excavation and Construction. In order to promote and ensure the healthy and vigorous growth of street trees, any excavation, filling or construction occurring within an area specified in the City's Arboricultural Specifications and Standards of Practice of a street tree is prohibited unless a permit is obtained from the City.

F. Storage. The depositing, placement, storage or maintenance of any stone, brick, sand, concrete or other material within the drip line of a tree which may impede the free passage of water, air or fertilizer to the roots of any street tree is prohibited without obtaining a permit.

3. Maintenance. Due to the existence of City street trees, the resulting tree-lined streets provide both aesthetic and monetary value to the property owner; therefore, the primary care and maintenance of street and parkway trees shall be the responsibility of the adjacent homeowner. Persons shall maintain trees and plants in the parkway on which their property abuts at the same standard of care imposed on persons growing trees and plants on private property. It shall be the duty of any person growing a tree or other plant on private property abutting a street or public place:

A. To keep all private trees and planting extending over any street or alley trimmed up to a height of not less than fourteen (14) feet except that a height of not less than seven (7) feet shall be permitted over the sidewalk area, and also to keep said space clear of debris. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken 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.

B. Not to plant any tree or other plant which would cause a public danger or a nuisance.

C. To treat in an accepted manner or remove any tree or plant diseased or insect-ridden as to constitute a hazard to other trees or plants or to constitute a nuisance to the health, welfare and safety of the community.

D. Removal. If in the opinion of the City, removal of a street tree becomes necessary, the adjacent property shall be notified as specified in the City's Arboricultural Specifications and Standards of Practice. In the event the adjacent property requests the removal of a street tree or shrub the City does not consider the removal necessary, the property owner may appeal the Street Superintendent's decision to the Forestry Improvement Committee as outlined in Section 151.10 of this chapter.

E. Traffic Control. In the event the planting, maintenance or removal of any tree requires equipment or material to be located on or fall onto the street right-of-way, the permit holder shall provide for traffic control. All traffic

control shall conform to the requirements and specifications of the current edition of the *Manual of Uniform Traffic Control Devices* (MUTCD). In all cases, the disruption of smooth traffic flow shall be kept to a minimum. Additional warning devices or precautionary measures may be necessary to control pedestrian traffic.

F. Protection. No person shall:

- (1) Damage, cut, carve, nail, bolt or set fire to any street tree;
- (2) Attach any rope, chain or wire cable to any street tree;
- (3) Attach advertising posters or any other contrivance to any street tree; or
- (4) Allow any harmful gaseous, liquid, chemical or solid substance to come in contact with any street tree.

G. Tree Topping. It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Street Superintendent.

151.09 TREES ON PRIVATE PROPERTY.

1. Maintenance. The property owner is responsible for the maintenance and care of any tree located on private property. Certain regulations apply to trees whose branches, limbs, roots or other parts extend into or over the street right-of-way. The property owner is responsible for ensuring private trees are trimmed to sufficient height to allow free passage of pedestrians and vehicular travel and so they will not obstruct or shade streetlights, traffic lights, signs or any traffic control devices or the view of any street intersection. Detailed information is contained in the City's Arboricultural Specifications and Standards of Practice. Whenever the City is notified or becomes aware of a dead tree or broken or dead branch or limb in any private tree which is in imminent danger of falling and thereby injuring any individual or causing property damage to adjacent property, the Street Superintendent may declare the tree, branch or limb a hazard and order the property owner to remove the hazard in an expedient manner. If the property owner fails to remove the hazard, the Street Superintendent may cause the hazard to be removed. For purposes of removing the hazard, City crews or City agents shall be allowed on private property. Attempts should be made to notify the property owner before entering onto private property.

2. Traffic Control. In the event the planting, maintenance or removal of any private tree requires equipment or material to be located on or fall onto the street right-of-way, the homeowner or the homeowner's agent shall provide for traffic control. All traffic control shall conform to the requirements and specifications of the current edition of the *Manual of Uniform Traffic Control Devices* (MUTCD). In all cases the disruption of smooth traffic flow shall be kept to a minimum. Additional warning devices or precautionary measures may be necessary to control pedestrian traffic.

151.10 ENFORCEMENT.

1. Appeals. A person may appeal the issuance or denial of a permit authorized by this chapter or an order of the Street Superintendent providing for the non-emergency removal of a tree or shrub pursuant to the following procedure:

A. Within 10 days of receiving the decision the Street Superintendent, notice of appeal shall be given to the Street Superintendent and Forestry Improvement Committee in writing. The notice of appeal shall state the nature of the objection and request a hearing. Hearing shall be held before the Forestry Improvement Committee within 20 days of the filing of the notice of appeal. Following hearing, the Forestry Improvement Committee shall, within ten (10) days, provide a written decision concerning the issues raised by the notice of appeal.

B. A person may appeal the decision of the Forestry Improvement Committee to the City Council by filing a written notice with the City Clerk within seven (7) days after issuance of the decision of the Forestry Improvement Committee. The notice of appeal shall specify the nature of the objection to the decision of the Forestry Improvement Committee, and shall include a summary of the factual basis supporting the appeal, as well as a request for hearing before the City Council. The hearing shall be held before the City Council within 20 days after the notice of appeal being filed with the City Clerk. The City Council shall, within 10 days after hearing the appeal, issue a decision. The decision of the City Council shall constitute a final decision.

2. Interference. No person shall hinder, prevent, delay or otherwise interfere with the City or any assistants in the execution or enforcement of this chapter.

3. Penalties. Any person violating or failing to comply with the provisions of this chapter shall be considered in violation, and provisions for the City to abate the nuisance shall be made as specified in Chapter 50 of this Code of Ordinances.

[The next page is 855]