Title 1

GENERAL PROVISIONS

- Chapters:
 1.01 Code Adoption
 1.04 City Boundaries
 1.08 City Seals
 1.12 Recording and Publishing Ordinances
 1.16 Datum Lines
 1.20 General Penalty
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Chapter 1.01

CODE ADOPTION ORDINANCE NO. 1376

AN ORDINANCE OF THE CITY OF FORT DODGE, IOWA, ADOPTING THE "FORT DODGE MUNICIPAL CODE," A CODIFICATION OF THE PERMANENT AND GENERAL ORDINANCES OF THE CITY OF FORT DODGE, IOWA.

WHEREAS, the Iowa State Legislature has provided for the codification and publication of the permanent and general ordinances of cities and towns; and

WHEREAS, the City of Fort Dodge has compiled, edited and published a codification of the permanent and general ordinances of the City of Fort Dodge, Iowa, without changing the substance thereof; and

WHEREAS, there have been filed and there are now on file in the office of the City Clerk, for public inspection three copies of a document entitled "Fort Dodge Municipal Code," together with three copies of each of the secondary codes therein adopted by reference;

BE IT ENACTED BY THE COUNCIL OF THE CITY OF FORT DODGE, IOWA:

- **Section 1. Notice—Adoption—Copies available.** (a) Pursuant to published notice, a public hearing has been duly held, and the council has determined that the proposed "Fort Dodge Municipal Code" in its original form is adopted as the municipal code of Fort Dodge, Iowa;
- (b) An official copy of the municipal code is on file at the office of the City Clerk and will be certified as to its adoption and effective date after adoption of this ordinance;
- (c) Loose-leaf copies of the "Fort Dodge Municipal Code" are available at the City Clerk's office for public inspection. Copies are also available for sale to the public at cost;

(d) A copy of the "Fort Dodge Municipal Code" has been furnished to the state law library, the municipal library, to all newspapers of general circulation published in Fort Dodge and all commercial radio and T-V stations situated in Fort Dodge.

Section 2. Title—Citation—Reference. This code shall be known as the "Fort Dodge Municipal Code" and it shall be sufficient to refer to said code as the "Fort Dodge Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Fort Dodge Municipal Code." Further, reference may be had to the titles, chapters, sections and subsections of the "Fort Dodge Municipal Code" and such reference shall apply to the numbered title, chapter, section or subsection as it appears in the code.

Section 3. Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Fort Dodge, Iowa, codified pursuant to the provisions of the Iowa Code.

Section 4. Reference applies to all amendments. Whenever a reference is made to this code as the "Fort Dodge Municipal Code" or to any portion thereof, or to any ordinance of the City of Fort Dodge, Iowa, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 5. Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

Section 6. Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 7. Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby or any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, on the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

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

Section 9. Effective date. This code shall become effective on the date the ordinance adopting this code as the "Fort Dodge Municipal Code" shall become effective.

Section 10. Savings clause. The enactment hereof shall not be deemed to affect any ordinance now in effect which provides for the establishing and changing grades, naming streets, making or providing for appropriations, tax levies or bond issues, vacating streets, dedicating property for public use, zoning or ordinances granting special rights and privileges which are provided by law. All ordinances in effect on the date of enactment shall continue in full force and effect even though not included in whole or in part in the "Fort Dodge Municipal Code" and shall remain in full force and effect until repealed by act of the City Council. Section 11. Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for

any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED AND ADOPTED THIS 4th day of December, 1973 D. W. MILEFCHIK Clerk

SIGNED AND APPROVED THIS 4th day of December, 1973.

ALBERT HABHAB

Mayor

Published in The Fort Dodge Messenger this 10th day of December, 1973.

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Chapter 1.01

CODE ADOPTION

Sections:	god to the first of the second of the
1.01.010	Notice-Adoption-Copies available.
1.01.020	Title-Citation-Reference.
1.01.030	Codification authority.
1.01.040	Reference applies to all amendments.
1.01.050	Title, chapter and section headings.
1.01.060	Deference to enecific ordinances
1.01.070	Terms of the summary and all lighting
1.01.080	Reneal shall not revive any ordinances.
1.01.090	Effective date
1.01.100	Savings clause.
1.01.110	Constitutionality.

1.01.010 Notice-Adoption-Copies available.

- (a) Pursuant to published notice, a public hearing has been duly held, and the council has determined that the proposed Fort Dodge Municipal Code in its original form is adopted as the municipal code of Fort Dodge, Iowa.
- (b) An official copy of the municipal code is on file at the office of the city clerk and will be certified as to its adoption and effective date after adoption of the ordinance codified in this chapter.
- (c) Loose-leaf copies of the Fort Dodge Municipal Code are available at the city clerk's office for public inspection. Copies are also available for sale to the public at cost.
- (d) A copy of the Fort Dodge Municipal Code has been furnished to the state law library, the municipal library, to all newspapers of general circulation published in Fort Dodge and all commercial radio and TV stations situated in Fort Dodge. (Ord. 1376 § 1, 1973).

1.01.020 Title-Citation-Reference.

This code shall be known as the Fort Dodge Municipal Code and it shall be sufficient to refer to said code as the Fort Dodge Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Fort Dodge Municipal Code. Further, reference may be had to the

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titles, chapters, sections and subsections of the Fort Dodge Municipal Code and such reference shall apply to the numbered title, chapter, section or subsection as it appears in the code. (Ord. 1376 § 2, 1973).

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Fort Dodge, Iowa, codified pursuant to the provisions of the Iowa Code. (Ord. 1376 § 3, 1973).

1.01.040 Reference applies to all amendments.

Whenever a reference is made to this code as the Fort Dodge Municipal Code or to any portion thereof, or to any ordinance of the city of Fort Dodge, Iowa, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 1376 § 4, 1973).

1.01.050 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 1376 § 5, 1973).

1.01.060 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 1376 § 6, 1973).

1.01.070 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby or any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any

ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 1376 § 7, 1973).

1.01.080 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 1376 § 8, 1973).

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the Fort Dodge Municipal Code shall become effective. (Ord. 1376 § 9, 1973).

1.01.100 Savings clause.

The enactment hereof shall not be deemed to affect any ordinance now in effect which provides for the establishing and changing grades, naming streets, making or providing for appropriations, tax levies or bond issues, vacating streets, dedicating property for public use, zoning or ordinances granting special rights and privileges which are provided by law. All ordinances in effect on the date of enactment shall continue in full force and effect even though not included in whole or in part in the Fort Dodge Municipal Code and shall remain in full force and effect until repealed by act of the city council. (Ord. 1376 § 10, 1973).

1.01.110 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 1376 § 11, 1973).

Chapter 1.04

CITY BOUNDARIES*

Sections:

1.04.010 Designated.

1.04.010 Designated.

The corporate limits of the city shall embrace all the territory included within the following boundaries:

Commencing at the center of Section 16, Township 89 North, Range 28 West; thence west one-half mile on the ¼ section line of Section 16; thence continuing west one-half mile to the center of Section 17, Township 89 North, Range 28 West; thence south one-fourth mile to the Northwest corner of the SE¼ SW¼ Section 17, which is also the present city limits; thence west along the present line of the city limits one-fourth mile; thence north one-fourth mile; thence west on ¼ section line; to the present city limits, which is the west side of North 7th Street extended; thence northwesterly along the west side of 7th Street to the Des Moines river; thence southwesterly along the present city limits to the point on the Des Moines river where the present city limits extend westward, and along said line to the west section line of Section 18; thence south on section line and present city limits one and one-half miles to the northeast corner of Section 25, Township 89 North, Range 29 West; thence west one-eighth mile to the northwest corner of the NE¼ NE¼ NE¼ Section 25, Township 89 North, Range 29 West; thence south parallel with the east line of Section 25 to a point which is one-eighth mile west of east line of said Section 25 and 330 feet north of the south line of said Section 25; thence west parallel with the south line of Section 25 one-eighth mile; thence south 330 feet to the south line of said Section 25, which is the southwest corner of the SE¼ SE¼ of said Section 25; thence east on section line one-fourth mile to the section corners of Sections 25, 30, 31, and 36; thence continuing east on section line three-quarters of a mile to

^{*} For the statutory provisions regarding the changing of township boundaries to be coterminous with those of any city whose boundaries have changed, see I.C.A. 359.3; for provisions regarding annexation or severance of territory by any city or town, see I.C.A. 362.26-36.237.

CITY BOUNDARIES

the southwest corner SE4 SE4 Section 30, Township 89 North, Range 28 West, which is the present city limits, thence continuing east on the section line and present city limits to the section corners of Sections 28, 29, 32, and 33; thence south on the section line 300 feet, thence east parallel with the north line of Section 33 one-half mile; thence north 300 feet to the south ¼ corner, Section 28, Township 89 North, Range 28 West; thence continuing north to the center of said Section 28; thence east one-fourth mile, thence north onefourth mile, thence west one-fourth mile to the southwest corner of the NW1/4 NE1/4 Section 28, Township 89 North, Range 28 West, thence north on the present city limits to the northwest corner of the NW¼ said Section 28; thence east on section line 140 rods; thence north one-fourth mile to the northeast corner of the NW1/4 NE1/4 SE¼ SW¼ Section 21, Township 89 North, Range 28 West; thence west 140 rods to the northwest corner of the SW¼ SE¼ Section 21, Township 89 North, Range 28 West, which is the present city limits; thence north on the ¼ section line three-quarters of a mile to the north ¼ corner Section 21, Township 89 North, Range 28 West; thence west 20 rods to the southwest corner of the SE¼ SE¼ SE¾ SW 4 Section 16; thence north parallel with the 4 section line onequarter mile; thence east 20 rods to the southeast corner of the NE1/4 SW¼ Section 16; thence north one-quarter mile on the ¼ section line to the center of Section 16, Township 89 North, Range 28 West, which is also the place of beginning. (Ord. 105.2 § 1, 1952).

Chapter 1.08

CITY SEALS*

Sections:

1.08.010 City seal.

1.08.020 City clerk's seal.

1.08.010 City seal.

The seal heretofore provided and used by and for the city having in the center the representation of an Indian chief with bow and arrow with the inscription, "Seal of the City of Fort Dodge," around the outer edge thereof is hereby established and declared to have been and hereafter to be the seal of the city. (Ord. 77 § 1, 1878).

1.08.020 City clerk's seal

There shall be provided for the clerk's office a seal in the center of which shall be engraved "The City of Fort Dodge, Iowa," and around the margin the words, "Seal of the City Clerk," and when procured it shall be established and declared to be the seal of the city clerk, and the one now used by him shall thereafter be suspended and dispensed with. (Ord. 77 § 2, 1878).

^{*}For the statutory provisions authorizing cities and towns to have a common seal, see I.C.A. 868.2; for provisions requiring the city council to cause to be provided a seal which shall be affixed to all transcripts, orders, or certificates, see I.C.A. 868A.2.

RECORDING AND PUBLISHING ORDINANCES

Chapter 1.12

RECORDING AND PUBLISHING ORDINANCES*

Sections:

1.12.010	Recording.
1.12.020	Publication certificate.
1.12.030	Publication in book or pamphlet evidence of passage
	and adoption.

1.12.010 Recording.

All ordinances adopted by the city council shall be recorded in a book kept for that purpose and be authenticated by the signatures of the presiding officer of the council and the clerk and all ordinances shall be published in some newspaper of general circulation in the city, and when such ordinance is so published it shall take effect from and after its publication as provided by the laws of the state of Iowa. (Ord. 483 § 1, 1913).

1.12.020 Publication certificate.

Immediately following the record of every ordinance the clerk shall append a certificate stating therein the time and manner of the publication thereof, which certificate shall be presumptive evidence of the facts therein stated. (Ord. 483 § 2, 1913).

1.12.030 Publication in book or pamphlet evidence of passage and adoption.

When the ordinances of the city are published in book or pamphlet form such book or pamphlet shall be received as evidence of the passage and legal adoption of such ordinances as of the dates mentioned therein in all courts and places without further proof, and when the ordinances are so published it shall not be necessary to publish them in the manner provided for in the preceding sections hereof. (Ord. 483 § 3, 1913).

^{*}For the statutory provisions regarding recording of all ordinances, see I.C.A. 366.6; for provisions regarding publication of ordinances, see I.C.A. 366.7.

Chapter 1.16

DATUM LINES*

^{*}Note: Datum lines are available in the engineer's office.

Chapter 1.20

GENERAL PENALTY

Sections:

1.20.010 Purpose.

1.20.020 Penalty.

1.20.030 Repealer.

1.20.010 Purpose.

The purpose of this chapter is to repeal the penalty provisions of the several city ordinances and adopt in lieu therefor a general penalty ordinance appertaining thereto. (Ord. 1999 § 1, 2003).

1.20.020 Penalty.

Anyone violating the provisions of a city ordinance which provides for a penalty shall, upon conviction, be subject as follows:

- (1) Upon conviction of a simple misdemeanor, be subject to imprisonment not to exceed thirty days or a fine not to exceed three hundred dollars, or
- (2) Upon conviction of a municipal infraction, be subject to a fine not to exceed five hundred dollars for the first offense or seven hundred fifty dollars for a repeat offense as a civil penalty and/or such other relief as may be ordered by the court pursuant to Section 364.22 of the Code of Iowa, or
- (3) For a violation of Title 10 of the Ford Dodge Municipal Code (Traffic) may be charged by citation and upon conviction subject to a fine not to exceed five dollars for a parking violation or subject to a fine in an amount equal to the scheduled fine for the same offense authorized by Section 805.8 of the Code of Iowa or, for a non-scheduled violation, a sum not to exceed that provided for in paragraph 2(a) above and/or
- (4) Subject to civil remedies as may be by law provided. (Ord. 1999 § 2, 2003).

1.20.030 Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, specifically the penal and/or remedial provisions thereof are repealed as follows:

212 § 3 Fire Apparatus (2.56)

For the statutory provisions authorizing a city to enforce the obedience of its ordinances "by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days," see I.C.A. 366.1.

302

302	8 2	Time for obstruction of traffic at famous crossings (10.44)
377	§ 5	Injuring pavement and littering on streets (9.08)
456	§ 4	Obstruction of Des Moines River, construction of dams
		(9.40)
493	§ 4	Sale of gunpowder (9.28)
494	§ 5	Manufacture of inflammable substances (9.28)
497	§ 27	Business licenses (5.20)
510	§ 67	Penal code (9.04, 9.08, 9.12, 9.16, 9.20)
515	§ 3	Water flowing over sidewalks (12.44)
520	§ 8	Using sidewalks for placement of building materials (12.24)
586	§ 2	Gambling and disorderly houses (9.20)
718	§ 4	No-parking zones (10.20)
750	§ 64	Traffic (10.04, 10.08, 10.12, 10.16, 10.20, 10.24, 10.32)
763	§ 4	Pyrotechnics (9.24)
1017	§ 3	Unlawful for minors to acquire beer
1020	§ 9	Television towers and aerials (14.36)
1022	§ 4	Pedestrian traffic across state arterial highways (10.16)
1030	§ 3	Parking prohibited on certain streets between certain hours
		(10.20)
1078	§ 3	Loading and unloading (10.28)
1108	§ 11	Meat and meat food products (8.20)
1150	§ 5	Street sweeping (10.20)
1185	§ 6	Separation of pool hall from beer sales area (Not codified)
1200	§ 4	Approaching or overtaking a school bus in residential district
		(Not codified)
1237	§ 2	Giving false information as to location of bombs and
		explosive devices (9.04)
1265	§ 6	Movement or wrecking of houses (14.51)
1269	§ 7	Signs and sign structures (14.28)
1290	§ 5	Operation of school buses on city streets (10.24)
1292	§ 8	Nuisances, excessive noise and fumes by motor vehicles
		(10.36)
1339	§ 14	Defines certain offenses (9.04, 9.05, 9.20, 9.50, 10.24,
		10.32)
1369	§ 2	Trafficking in obscene print material (9.20)
1370	§ 3	Exhibiting obscene movies (9.20)
1390	§ 9	Water rates, rules and regulations, repeals Ord. 1288 (13.04)
1397	§ 5	Tree surgeon, licensing and regulation (5.76)
1399	§ 7	Minors and intoxicating beverages (9.20)
1409	§ 4	Heavy traffic and truck routes, repeals Ordinance 1179
		(10.28)
1410	§ 9	Animals, repeals Ordinance 1141 (Title 6)

§ 3 Time for obstruction of traffic at railroad crossings (10.44)

GENERAL PENALTY

1421	§ 4	Wild Animals and Reptiles (6.30)
1441	§ 5	Intoxication; alcoholic liquor in public places; repeals § 14 of
		Ord. 510 and § 2 of Ord. 1203 (9.20)
1492	§ 9	Pawnbroker licenses and regulations; repeals Ord. 1386
		(5.52)
1497	§ 12	Taxicab licensing; repeals Ords. 880, 986, 1222, 1427, 1450
		(5.64)
1514	§ 18	Street excavation regulations, repeals § 5 of Ord. 512, § 6 of Ord. 520 Ordinances 715, 743, 746 (12.08)
1521	§ 7	Parking regulations; repeals § 31 of Ord. 750, § 1-5, 7-15 of
	.,	Ord. 934, and Ordinances 938, 1221, 1238, 1452 (10.20)
1537	§ 8	Parking in off-street parking areas; repeals Ord. 1061 (10.20)
1538	§ 5	Parking restrictions for commercial vehicles (10.20)
1561	§ 4	Driving conduct and practices; repeals § 54 of Ord. 750
1590	§ 3	Deposit of snow and ice (12.40)
1603	§ 11	Planting and maintenance of publicly owned trees and
	•	shrubs; repeals Ord. 972 (12.56)
1610	§ 9	Snow and ice removal; repeals Ord. 1403 (12.40)
1620	§ 9	Adopts code for the abatement of dangerous buildings;
		repeals Ord. 1361 (14.50)
1631	§ 10	Amends and supplements Uniform Housing Code (14.08)
1771	§ 6	Sanitary landfill use rates; repeals Ords. 1353, 1475, and 1629 (8.18)
1772	§ 15	Solid waste regulations; repeals Ords. 1420, 1476, 1628, and
	-	17.10 (8.16)
1778	§ 9	Yard waste (8.32)
1816	§ 5	Disposal of yard waste upon street (8.36)
1836	§ 7	Use of alleys by abutting property owners (12.60)
1838	§ 2	Utility connection charge program (13.28)
1858	§ 9	Abatement of dangerous buildings; repeals Ord. 1738 and
		1794 (14.50)
1892	§ 3	Prohibits minors at a nude performance (9.20)
1911	§ 14	Repeals and replaces Ch. 9.32, nuisance abatement (9.32)
1915	§ 4	Adds Section 10.36.090, motor vehicle sound amplification
		systems (10.36)
1935	§ 5	Repeals and replaces Ords. 1401, 1536, 1607, and 1780
		speed zones (10.24)
1964	§ 12	Plumbing code; repeals Ord. 1857 (14.32)
1966	§ 16	Building code; repeals Ord. 1854 (14.04)
1967	§ 19	Electrical code; repeals Ord. 1854 (14.24)
1968	§ 11	Mechanical code; repeals Ord. 1856 (14.44)
1969	§ 9	Fire prevention code; repeals Ords. 1619 and 1788 (14,12)

1989 § 5 Amends Ord. 1900, Fort Dodge regional airport commission (2.84) (Ord. 1999 § 3, 2003).

10-2

(Fort Dodge Supp. No. 1, 6/03)

RIGHT OF ENTRY FOR INSPECTION

Chapter 1.24

RIGHT OF ENTRY FOR INSPECTION

(Reserved)

10-3

(Fort Dodge Supp. No. 1, 6/03)