

UTV ORDINANCE - CITY OF DIKE

City of Dike UTV Ordinance ORDINANCE AMENDING TITLE VII, PUBLIC ORDER, CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF DIKE, IOWA DELETING CHAPTER 10 AND SUBSTITUTING THE FOLLOWING THEREFORE. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIKE, IOWA:

7.10.01 PURPOSE. This ordinance shall identify regulations regarding all-terrain vehicles and/or off-road utility vehicles operation within the limits of the City of Dike.

7.10.02 DEFINITIONS. The definitions of terms used in this ordinance are:

1) All-terrain Vehicle as defined by Iowa Code section 321.1 means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand two hundred cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2) Off-road Utility Vehicle as defined by Iowa Code section 321.1 means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that have a seat that is of bucket or bench d-sign, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road Utility Vehicle" includes the following vehicles:

a) "Off-road Utility vehicle – type 1" means an Off-road Utility Vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

b) "Off-road Utility vehicle – type 2" means an Off-road Utility Vehicle, other than a type 1 Off-road Utility Vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

c) "Off-road Utility vehicle – type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

3) Roadway as defined by Iowa Code section 321.1 means that portion of a highway or thoroughfare improved, designed, or ordinarily used for vehicular travel.

7.10.03 OPERATION ON ROAD-

WAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on roadways in the City of Dike pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an All-terrain Vehicle or Off-road Utility vehicle on roads in the City of Dike unless the operator has a valid driver's license and is at least 16 years of age. A person under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate on board as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.

7.10.04 UNLAWFUL OPERATION. A person shall not operate an All-terrain Vehicle under any of the following conditions:

1) At a rate of speed greater than the posted speed limit per hour or greater than reasonable and/or proper under existing circumstances.

2) In a careless, reckless, or negligent manner so as to:

a) Endanger any person;

b) Cause injury or damage to person or property; or,

c) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.

3) Without a lighted headlight and taillight.

4) In any tree nursery or planting in a manner which damages or destroys growing stock.

5) On public land, ice or snow in violation of official signs prohibiting such operation.

6) In any park, wildlife area, preserve, refuge or game management area or recreational trail.

7) Any portion of a stream or the bed of a stream which has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water.

8) Upon an operating railroad right-of-way. An All-terrain Vehicle may be driven directly across a railroad right-of-way only at established crossings.

9) With more persons on the vehicle than it was designed to carry.

10) On any riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.

11) With a firearm in the person's possession unless it is unloaded and enclosed in a carrying case.

12) Under the age of 16.

13) Without a valid driver's license and proof of insurance.

14) Being less than 18 year of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course.

7.10.05 REGISTRATION REQUIREMENT AND OTHER CONDITIONS. Individuals who operate on roadways in the City of Dike must register the All-terrain Vehicle or Off-road Utility Vehicle with the Iowa Department of Natural Resources. The following conditions apply:

1) The owner of each All-terrain Vehicle or Off-road Utility Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and Proof of Liability Insurance.

2) All-terrain Vehicles or Off-road Utility Vehicles registered in Iowa are required to display their current registration decal and carry their certificates on board.

3) All-terrain Vehicles or Off-road Utility Vehicles registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.

7.10.06 EXEMPT VEHICLES. Registration shall not be required for All-terrain Vehicles and/or Off-road Utility Vehicles used exclusively as farm implements or as identified by the Code of Iowa.

7.10.07 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$105.00 to \$855.00 plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

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

7.10.09 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be judged 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.

Adopted August 11, 2021
Published in The Grundy Register on Thursday, Aug. 19, 2021

OFFICIAL COUNCIL PROCEEDINGS: City of Dike

CITY OF DIKE COUNCIL PROCEEDINGS August 11, 2021

The Dike City Council met for a regular meeting on Wednesday, August 11, 2021 at 7 PM with Mayor Soppe presiding. Council in attendance: Chad Cutsforth, Hugh Bargman, Nick Cleveland by phone, Chris Bakken and Luke Osterhaus. Also in attendance: Gary Jones city attorney, Mary Geiken, Shane Metz, Marty Camarata, Mike Camarata, Zeb Stanbrough and Larry Dufel.

A motion by Bakken to approve the following on the consent agenda: sheriff's report, approval of minutes as presented, library report and delinquent utility bills. A correction in last month's minutes for FY22 pay for the following typo: wages for Tracy Freese should state \$9.79. Seconded by Cutsforth. All ayes, motion carried.

Fire/Ambulance Report – The department had six ems calls, three fire calls and two pr events last month.

Council Vacancy – Luke Osterhaus has given his resignation of his council seat effective August 12, 2021. We thank him for his service to the community of Dike and wish him all the best. If you are interested in filling his council seat please contact city hall for more information. The appointment of the council seat will take place at the next council meeting on September 8, 2021.

Nuisance Abatement – A motion by Cutsforth to proceed with nuisance abatement of 400 State Street. Second by Bargman. All ayes, motion carried. A motion by Cutsforth to proceed with nuisance abatement of 132 W State Street. Second by Bargman. All ayes, motion carried.

Water Tower Maintenance – Cutsforth introduced the following Resolution #08112021003, A RESOLUTION APPROVING THE BID WITH VIKING INDUSTRIAL PAINTING FOR WATER TOWER REPAIR AND PAINTING FOR \$143,374 AND BEGIN THE PROCESS FOR FINANCING OF THE PROJECT. Second by Bakken. Roll Call Vote: Ayes: Cutsforth, Bargman, Bakken and Osterhaus. Nays: None. Absent: Cleveland. Whereupon the Mayor declared Resolution #08112021003, duly adopted.

3rd Reading of UTV Ordinance – A motion by Cutsforth to approve the 3rd and final reading of the UTV ordinance. Second by Osterhaus. All ayes, motion carried.

Library Budget FY21 – Cutsforth introduced Resolution #08112021001, A RESOLUTION APPROVING THE TRANSFER OF \$3000 FROM LIBRARY FY21 TO THE LIBRARY PROPERTY IMPROVEMENT SAVING ACCOUNT. Second by Osterhaus. Roll Call Vote: Cutsforth, Bargman, Bakken, Cleveland and Osterhaus. Nays: none. Whereupon the Mayor declared Resolution #08112021001, duly adopted.

Fire Budget FY21 – Cutsforth introduced Resolution #08112021002, A RESOLUTION APPROVING THE TRANSFER OF \$3000 FOR THE FIRE DEPT FY21 REMAINING BUDGET TO THE FIRE TRUCK IPAIT ACCOUNT. Seconded by Bargman. Roll Call Vote: Ayes: Cutsforth,

Bargman, Bakken, Cleveland and Osterhaus. Nays: none. Whereupon the Mayor declared Resolution #08112021002, duly adopted.

Financial Reports – A motion by Cutsforth to approve the financial reports. Second by Bargman. All ayes, motion carried.

Financial reports- July 2021

Revenues	
General.....	\$44538.62
RUT.....	\$18912.16
Employee Ben.....	\$2801.27
Emerg. Fund.....	\$435.90
LOST.....	\$8768.64
Debt Service.....	\$3901.05
Water.....	\$25090.61
Sewer.....	\$37053.66
Electric.....	\$65213.37
Expenses	
Electric.....	\$70462.71
General.....	\$104387.48
RUT.....	\$6585.65
Employee Ben.....	\$11092.47
Emerg. Fund.....	\$0.00
LOST.....	\$0.00
Debt Service.....	\$0.00
Water.....	\$39563.49
Sewer.....	\$16091.60

Bills to be allowed and paid – A motion by Bakken to approve the bills to be allowed and paid. Second by Bargman. All ayes, motion carried.

Clerk's Comments – The city applied for a technology grant through the state for new laptops. They should arrive in November or December. The pool will be closing on Saturday, August 14 for the season. It has been a great season.

Mayor's Comments – Everyone have a great and safe Watermelon Day weekend. Thank you to Luke Osterhaus for his service to the City of Dike.

Adjourn – A motion by Osterhaus to adjourn his last council meeting. Second by Bargman. All ayes, motion carried and meeting adjourned.

Michael Soppe, Mayor

CLAIMS REPORT

Vendor-Reference.....	Amount
Gordon Flesch Company	
-Copier Lease.....	27.00
Airgas USA,LLC-Chemicals	
Pool.....	302.52
All Seasons Underground-Tree	
Removal Cedar Street.....	1,000.00
Ann Hilliard-Mileage To Bank.....	9.52
Baker & Taylor-Library	
Books.....	296.66
Black Hawk Rental-Oil.....	30.00
Black Hills Energy	
-Gas Bill.....	1,505.84
BMC Aggregates L C	
-Roadstone.....	612.13
Carrico Aquatic Resources	
-Pool Vac Repair.....	20.04
CenturyLink-Phone/Internet.....	527.73
City Of Dike-Electric Bill.....	3,241.45
Cooley Pumping-Garbage	
Collection.....	6,057.20
Internal Revenue Service-Fed	
/FICA Tax.....	2,590.30
Internal Revenue Service-Fed	
/FICA Tax.....	2,011.63
Emergency Medical Products	
Inc-Supplies Ambulance.....	83.41
Grundy County Sheriff-Sheriff	
Contract.....	6,972.50
Hawkins Inc.-Pool	
Chemicals.....	966.54
Robert Heerkes-HSA-City	
Contr.....	114.00
Shane Metz Jr-HSA-City	
Contr.....	228.00
Lindsay Nielsen-HSA-City	
Contr.....	285.00
IA Dept Of Revenue Wage Levy	

-Wage Levy.....	75.58
IA Dept Of Revenue Wage	
Levy-Wage Levy.....	83.30
Image Trend-License	
Renewal.....	463.71
INRCOG-Dues.....	628.68
IPERS-IPERS.....	2,056.02
The Jones Law Firm-Attorney	
Fees.....	562.23
Koch Office Group-Library	
Copier.....	222.31
Kwik Trip Inc-Fuel Fire Dept.....	260.43
Mark Heimann-New Chains.....	56.00
Martin Camarata-Mileage To	
Pool School.....	178.08
Marv's Repair-Repairs.....	506.42
Mediacom-Fire Dept	
Internet.....	137.08
Melissa Barber Marketing	
-Website Hosting.....	120.00
Menards-Street Repairs.....	213.21
Mid-America Publishing Corp	
-Legals.....	410.84
Midwest Breathing Air LLC	
-Airpack Testing.....	557.11
Midwest Irrigation LLC-SC	
Irrigation Repair.....	210.00
Midwest Tape-DVDs.....	41.98
Physician's Claims Company	
-Ambulance Billing.....	1,057.02
Dike Post Office-Fire Dept Po	
Box.....	48.00
Quill Corporation-Cleaning	
Supplies.....	684.19
Scholastic Inc-Library Books.....	164.83
Scot's Supply Co Inc-Pool	
Supplies.....	36.04
Silversmith Data-GIS	
System.....	2,000.00
IA Dept Of Revenue-State	
Tax.....	437.00
Stetson Building Products	
-Crackseal Streets.....	839.40
Superior Welding-Ambulance	
Supplies.....	84.61
Ubben Building Supplies	
-Supplies.....	30.34
US Cellular-Cell Phones Fire	
Dept.....	109.36
Visa-Library Supplies/Books.....	416.50
Wal-Mart Community Brc	
-Concessions/Supplies.....	501.78
Waterloo Oil Co Inc-Fuel For	
Fuel Tank.....	1,206.29
Xerox Financial Services	
-Copier Lease.....	142.18
Aspro Inc-Asphalt Patching.....	3,685.50
BMC Aggregates L C	
-Roadstone.....	315.61
Internal Revenue Service-Fed	
/FICA Tax.....	548.60
Internal Revenue Service-Fed	
/FICA Tax.....	576.81
Shane Metz-HSA-City Contr.....	142.50
Robert Heerkes-HSA-City	
Contr.....	57.00
Shane Metz Jr-HSA-City	
Contr.....	114.00
Lindsay Nielsen-HSA-City	
Contr.....	142.50
HSA-169-HSA-City Contr.....	142.50
IPERS-IPERS.....	1,035.96
IA Dept Of Revenue-State	
Tax.....	254.50
IMWCA-Workers Comp	
Premiums.....	1,968.00
Wellmark Blue Cross And Blue	
-Health Insurance	
Premiums.....	1,857.02
Black Hills Energy-Gas Bill.....	35.55
City Of Dike-Electric Bill.....	128.05
Iowa Regional Utilities Assoc-Bulk	
Water Payment.....	23,734.91
IA Dept Of Natural Resources	
-NPDES Permits Fees.....	210.00
Internal Revenue Service-Fed	
/FICA Tax.....	565.77
Internal Revenue Service-Fed	
/FICA Tax.....	557.60
Shane Metz-HSA-City Contr.....	142.50
Robert Heerkes-HSA-City	

Contr.....	57.00
Shane Metz Jr-HSA-City	
Contr.....	114.00
HSA-169-HSA-City Contr.....	142.50
IPERS-IPERS.....	1,110.69
Dike Post Office-Utility Bills	
Postage.....	50.30
Silversmith Data-GIS	
System.....	1,350.00
IA Dept Of Revenue-Sales Tax	
Expense.....	406.70
IA Dept Of Revenue-Water	
Excise Tax.....	1,285.00
IA Dept Of Revenue-State	
Taxes.....	257.96
Wellmark Blue Cross And Blue	
-Health Insurance	
Premiums.....	3,000.00
1st Ayd Corp-Gloves.....	281.47
Black Hills Energy-Gas Bill.....	38.84
City Of Dike-Electric Bill.....	1,400.67
Internal Revenue Service-Fed	
/FICA Tax.....	565.81
Internal Revenue Service-Fed	
/FICA Tax.....	557.54
Shane Metz-HSA-City Contr.....	142.50
Robert Heerkes-HSA-City	
Contr.....	57.00
Shane Metz Jr-HSA-City	
Contr.....	114.00
HSA-169-HSA-City Contr.....	142.50
IPERS-IPERS.....	1,110.69
Kwik Trip Inc-Fuel.....	563.39
Dike Post Office-Utility Bills	
Postage.....	50.70
Silversmith Data-GIS	
System.....	2,000.00
IA Dept Of Revenue-Sales Tax	
Expense.....	500.00
IA Dept Of Revenue-State	
Taxes.....	257.96
TestAmerica Laboratories Inc	
-WWTP Testing.....	596.40
Wellmark Blue Cross And Blue	
-Health Insurance	
Premiums.....	3,000.00
Alliant Energy-Fox Ridge	
Electric.....	509.96
Internal Revenue Service-Fed	
/FICA Tax.....	513.89
Internal Revenue Service-Fed	
/FICA Tax.....	536.74
Fletcher-Reinhardt Company	
-Electrical Supplies.....	349.65
Shane Metz-HSA-City Contr.....	142.50
Lindsay Nielsen-HSA-City	
Contr.....	142.50
HSA-169-HSA-City Contr.....	142.50
Iowa One Call-Locates.....	31.50
Iowa Utilities Board-IUB Labor	
Assessments.....	51.00
IPERS-IPERS.....	919.67
Dike Post Office-Utility Bills	
Postage.....	53.00
Grundy County R.E.C.-Electric	
Bill.....	58,457.62
Silversmith Data-GIS	
System.....	1,000.00
IA Dept Of Revenue-Sales Tax	
Expense.....	400.30
IA Dept Of Revenue-State	
Tax.....	222.58
Waterloo Oil Co Inc-Fuel For	
Generator.....	5,672.67
Wellmark Blue Cross And Blue	
-Health Insurance	
Premiums.....	3,000.00
Ziegler Inc-Maintenance	
Contract.....	7,824.24
Accounts Payable Total.....	176,760.72
Payroll Checks.....	36,782.49
**** Report Total ****.....	213,543.21
General.....	65,236.92
Road Use Tax.....	10,374.74
Employee Benefits.....	3,825.02
Water.....	36,457.02
Sewer.....	14,688.04
Electric.....	82,961.47
Total Funds.....	213,543.21

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PROBATE

THE IOWA DISTRICT COURT FOR GRUNDY COUNTY NOTICE OF APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS IN THE MATTER OF THE ESTATE OF MATTHEW LOUIS BROWN, Deceased

Probate No. ESPR102543

To All Persons Interested in the Estate of Matthew Louis Brown, Deceased, who died on or about July 15, 2021:

You are hereby notified that on July 23, 2021, the undersigned was appointed Administrator of the estate.

Notice is hereby given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred. Dated on July 23, 2021.

Rita Brown
117 Circle Drive
Wellsburg, IA 50680
Administrator of the Estate
Heronimus, Schmidt, Schroeder & Geer
Attorney for the Administrator
630 G Avenue, PO Box 365
Grundy Center, Iowa 50638
Date of second publication
26 day of August, 2021
Probate Code Section 230
Published in The Grundy Register on Thursday, Aug. 19 and Aug. 26, 2021

PROBATE

NOTICE OF APPOINTMENT OF EXECUTOR AND NOTICE TO CREDITORS THE IOWA DISTRICT COURT GRUNDY COUNTY IN THE MATTER OF THE ESTATE OF MARY ELIZABETH MOMMER, Deceased

CASE NO.: ESPR102538

To All Persons Interested in the Estate of Mary Elizabeth Mommer, Deceased, who died on or about June 29, 2021:

You are hereby notified that on the 9th day of July, 2021, The Last Will and Testament of Mary Elizabeth Mommer, Deceased, bearing the date of December 11, 2017, was admitted to probate in the above-named court and that John E. Mommer II was appointed executor of the estate.

Any claim to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of second publication or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred. Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred. Dated on July 22, 2021

John E. Mommer II,
Executor of the Estate
715 S. Lakeside Terrace
Eagle Lake FL, 33839
Erika L. Allen,
ICIS PIN No: AT0000408
Attorney for the Executor
Firm Name: Rickert, Wessel & Allen.
Address: 115 Broad,
P.O. Box 193,
Reinbeck, IA 50669
Date of second publication
26th day of August, 2021
Published in The Grundy Register on Thursday, Aug. 19 and Aug. 26, 2021

Proceedings

GRUNDY COUNTY LANDFILL COMMISSION

Minutes of the monthly meeting held on Thursday, June 10, 2021

Location: Grundy County Court-house

Members Present: Melcher, Chm., Smith, Secretary, Strobehn, Juchems, Severance and Kuester. Additional attendee Schoolman.

The meeting was called to order by the Chairman at 6:29 PM.

The minutes of the May meeting were read and approved on a motion by Juchems seconded by Kuester.

The members reviewed the bills totaling \$2556.28 for the Citizens Convenience Center, which were approved on a motion by Strobehn, seconded by Severance.

Chairman Melcher has reviewed the Landfill/CCC budget and, after consultation with Auditor Deters, related that all expenditures made during the 2020-21 year are within general budgeted guidelines. Schoolman reported that a DNR representative will visit the facility next Tues. or Wed. The annual financial assurance report has been received from HLW which indicates that requirements for dedicated funding for the closed landfill have been met. The balance of the meeting was spent reviewing applications for the position of manager and discussing the methodology for interviews,

OFFICIAL PROCEEDINGS: City of Liscomb

City of Liscomb
Regular Council Meeting
August 9, 2021

Mayor Dynette Mosher called the regular city council meeting to order at 7:00 pm. Ted Gunderson, Blake Matney, Esther Mosher answered roll call. Ben Olson arrived at 7:05 pm. Also present were six residents, Marshall County Deputy Sheriff, Rhonda Guy, Darwin Bracy and Tyler Bracy (maintenance) and Kristi Schiebel (city clerk).

Motion to approve the agenda was made by Mosher, seconded by Gunderson.

Guy gave the water/waste water report. There was an inspection for the wastewater system in June 2021. There was only one thing to work on immediately – lock on the gate.

Marshall County Deputy Sheriff gave the July 2021 report.

Motion made by Matney, seconded by Mosher to approve the July 12, 2021 meeting minutes was approved with roll call of 4 ayes.

Motion made by Mosher, seconded by Matney to approve the July 2021 financial report was approved with roll call of 4 ayes.

Motion made by Matney, seconded by Gunderson to approve the bill listing for July 13 to August 9, 2021 in the amount of \$16,007.87 was approved with roll call of 4 ayes.

Resident Concerns:
• Martha Sills had 2 concerns. 1) There is racing with cars and motorcycles (some without mufflers) at all times of the day happening on Lincoln Street since there is no stop sign or speed bumps on Lincoln Street. 2) A property close to them has brought in a lot of junk vehicles. The Marshall County Deputy Sheriff addressed the speeding.

• Kristy Gunderson addressed the vehicles on her property. They were brought in due to certain circumstances. Some of them have been removed. They are aware of how long they have to keep them according to the code of ordinance. Also, there are dogs being walked who are not being cleaned up after.
• Barb Shibe is concerned about the nuisance house close to their property.

Old Business:
• Update on nuisance – A document has been signed that has

been waited on for a year. The document needs to be recorded and a court cost of \$200 needs to be paid. Motion was made by Gunderson, seconded by Olson to pay the \$200 if needed to speed up the process. Motion passed with roll call of 4 ayes.

• It was decided to continue to investigate the water reading update.

• Funding from COVID funding has been secured for the pagers and radios that the Fire Department and 1st Responder Department will need for the updated responding system.

• The first reading of Change of Ordinance #118 – Raise of Late Payment Penalty to \$25.00 for water bill was read. Motion to approve the 1st reading was made by Olson seconded by Mosher. Motion passed with roll call of 4 ayes.

• Discussion was had on installing a security camera on Main Street was had. Matney will get a bid for the possibility of installing them.

• Discussion was had on the chip & seal that is to be done. Matney has looked at the Conrad project and reported that it is dusty and not in very good shape. Motion made by Matney, seconded by Olson to cancel the chip and seal project and continue with the repair on the streets and filling of the cracks. Motion carried with roll call of 4 ayes. Bracy will contact the company concerning this.

New Business:
• Discussion was had on selling 601 State Street. It was decided to not sell at this time.

• Discussion was had on raising council and mayor pay. The clerk is to see what other towns are paying.
• Discussion was had on replanting of trees in the parks that was damaged in the Derecho in August 2021. Motion made by Matney, seconded by Mosher to apply for a grant to help with this. Motion carried with roll call of 4 ayes.

• Discussion was had on the CDs that the city owns. It was decided to let them roll over.

• It was reported that three council members and the mayor will be on the election ballot in November.
• Motion was made by Gunder-

son, seconded by Olson to approve Resolution 21-10 – Approval of Street Finance Report. Motion carried with roll call of 4 ayes.

Committee Reports:
• Fire Department – The emergency departments were able to get new computer systems which will allow digital training sessions. John Deere has donated 2 air packs that can be used for rescues in grain bins.

Motion made by Matney, seconded by Olson to adjourn. Motion carried with 4 ayes. Meeting adjourned at 7:50 pm.

Dynette Mosher, Mayor
Attest: Kristi Schiebel, City Clerk

Bill listing for July 13 to August 9, 2021 in the amount of \$16,007.87:

Alliant Energy, electric/gas ...	1,053.24
Tyler Bracy, wages	1,196.86
Deb Gould, cleaning	82.50
IA One Call, emails	17.10
Iowa Finance Authority, pay down	7,000.00
Keystone Lab, lab	12.50
Mid-America Publishing, publishing	94.82
Moler Sanitation, garbage	70.00
Peglow, O'Hare & See, fee	93.33
Schendel Pest Control, spraying	40.00
United Benefit Society, dues	13.75
Darwin Bracy, wages	488.09
Goos Implement, repair	1,540.74
Heart of Iowa, telephone	127.81
IA DNR Wastewater, fees	295.00
IRUA, water	1,341.26
Lynch Dallas, fee	370.00
Mid-IA Coop, fuel	318.35
Dynette Mosher, supplies	117.72
Postmaster, box rent	122.00
Kristi Schiebel, wages	967.22
VISA, supplies	645.58
July 2021 Income: General 549.42; Employee Benefits 5.68; LOST 2,996.56; Liberty in Liscomb 2,685.50; Road Use Tax 2,886.65; Cemetery Reserved 1.19; Water Operating 5,213.33; Sewer Operat- ing 2,786.01; Sewer Sinking Fund 1,720.10	
July 2021 Expense: General 16,447.97; Employee Benefits 245.02; Liberty in Liscomb 425.53; Water Operating 2,470.36; Sewer Operating 1,076.60; Sewer Sinking 7,000.00	

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PROCEEDINGS: CITY OF GRUNDY CENTER - ORDINANCE NO. 559

CITY OF GRUNDY CENTER
ORDINANCE NO. 559
AN ORDINANCE AMENDING
THE CODE OF ORDINANCES
OF THE CITY OF GRUNDY CENTER,
IOWA, BY AMENDING PROVISIONS
PERTAINING TO THE SALE, USE,
POSSESSION AND EXPLODING OF
FIREWORKS

Be It Enacted by the City Council of the City of Grundy Center, Iowa: SECTION 1. SECTION MODIFIED. Chapter 41 Public Health and Safety, Section 41.13 of the Code of Ordinances of the City of Grundy Center, Iowa, is repealed and the following adopted in lieu thereof:

"41.13 FIREWORKS. The sale, use, possession, and exploding of fireworks within the City are subject to the following:

1. Definitions.

A. Consumer Fireworks. (American Pyrotechnics Association (APA) standard 87-1, chapter 3) Any device, other than a novelty or theatrical pyrotechnic article, intended to produce visible and/or audible effects by combustion, deflagration, or detonation. Fireworks are further described as Fireworks UN0336 (formerly Common Fireworks and now referred to in this Standard as Consumer Fireworks,) or Fireworks UN0335 (formerly Special Fireworks and now referred to in this Standard as Display Fireworks.) Fireworks may also be described as Fireworks UN0337 if examination and testing in accordance with Title 49 CFR, § 173.56 is performed that warrants that classification.

For purposes of this Section, the term "fireworks" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" does not include gold-star producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.

B. Novelty Fireworks. (American Pyrotechnics Association (APA) standard 87-1) A device containing small amounts of pyrotechnic and/or explosive composition. Such devices produce limited visible or audible effects. These items must be approved by DOT, and are normally classed as 1.4G. A different classification may be assigned based on testing and examination as specified in Title 49 CFR §CFR, § 173.56. Certain novelties which meet the criteria specified in Section 3.2 are not regulated as explosives, and approval by DOT is not required for those specific items.

Novelty fireworks typically produce a much weaker explosion and sound. A few examples include:

(1) Party Poppers — once a string is pulled to activate the charge, confetti is thrust into the air and produces a report.

(2) Snaps — a small paper bag typically filled with gravel and a few milligrams of silver fulminate will produce a report when thrown at a

hard surface or stepped on.

(3) Flying Lanterns (Sky lantern) — these paper lanterns float into the sky when lit. They emit a slight glow and are very commonly used at weddings and celebrations.

(4) Paper Tanks & Vehicles — when lit, these small paper vehicles emit sparks that cause them to move around on the ground and commonly produce a loud bang at the end.

(5) Ground Bloom Flowers — a small cylinder that spins on the ground and changes color, spinning in such a way that it resembles a flower. Could be described as a large Jumping Jack.

(6) Snakes (Black snake) — a small compressed pellet that, when lit, expands into a long snake-like object.

C. Display or Theatrical Fireworks/Pyrotechnics. (American Pyrotechnics Association (APA) standard 87-1) Pyrotechnic devices for professional use in the entertainment industry similar to consumer fireworks in chemical composition and construction but not intended for consumer use. Such articles, meeting the lift and effect powder weight limits for similar consumer fireworks but not labeled as such and containing only chemicals listed in table 4.3-1 may be approved under the provisions of this Standard and classified as Articles, Pyrotechnic, 1.4G, UN0431.

Note: Theatrical pyrotechnic devices may be classed by DOT as Articles, Pyrotechnic, 1.4S, UN0432 or as Articles, Pyrotechnic, 1.3G, UN0430 on the basis of examination and testing as specified in Title 49 CFR, § 173.56.

Examples include: Aerial Shell, Salute, and all other fireworks that are not considered Novelty or Consumer.

2. Fireworks sales general requirements.

A. Prior to any person engaging in fireworks sales the following shall be provided to the fire chief:

(1) Proof of valid permit issued from the state fire marshal.

(2) Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for the amounts required by Iowa Code § 100.19(4)(b).

B. Any property, building, or premise whether it be permanent or temporary, intended for fireworks sales shall have an initial fire inspection completed by the Fire Chief prior to engaging in fireworks sales. The Fire Chief or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2006 edition), the current fire code adopted by the City of Grundy Center (City Ordinance Chapter 37), and any rules, regulations, requirements or the like promulgated by the state fire marshal pursuant to Iowa Code § 100.19.

(1) An annual inspection fee of \$125 shall be charged by the City of Grundy Center for any permanent structure or building where fireworks are sold. This is in addition to any City Business License fee.

(2) An annual inspection fee of shall be charged for any temporary or non-brick and mortar building used to sell fireworks. This is in addition to any City Business License fee.

(3) The Fire Chief or his design-

nee may cause for additional inspections with no additional fee, to ensure the seller remains in compliance with this ordinance for the safety and well-being of any potential customers.

(4) All annual inspections must be arranged a minimum of 2 (two) days before intended sales dates. Failure to schedule an inspection in that time frame is grounds for non-issuance of occupancy and business permits. The Fire Chief shall notify the State Fire Marshall of any non-compliance for revocation or suspension of sales permits if this occurs.

(5) Persons shall not construct any display or offer for sale any fireworks type on roadways including shoulders thereof, alleys, sidewalks, public property or in Assembly or Educational occupancies. (IFC 5601.2.2)

(6) Permits shall not be issued for the storage or sale of any fireworks at any place of habitation or within 100 feet thereof. (IFC 5601.2.1)

(7) The Fire Chief is authorized to limit the quantity permitted at any given location. Permit holders shall not keep or store amounts greater than that they are permitted for and only the type they are permitted for. (IFC 5601.2.3)

C. Fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code § 100.19(4)(c).

(1) Approved fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

(2) Approved fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.

(3) It shall be unlawful to sell fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.

3. Firework sales safety requirements.

A. The City hereby adopts National Fire Protection Association (NFPA) standard 1124 (2006 edition) as incorporated by reference in Iowa Code § 100.19(4)(a). By so adopting NFPA standard 1124, the following safety requirements shall be adopted for all locations where fireworks are sold:

(1) Not more than 100 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located inside a commercial business with other mercantile products for sale.

(2) Not more than 500 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located inside a building where fireworks are the primary business.

(3) Not more than 1000 pounds of total aggregate weight of DOT 1.4 class fireworks shall be located in a temporary structure used primarily for fireworks sales.

(4) Any permanent and temporary structure used primarily for the purpose of fireworks sales shall be located 40 feet from a property line, public roadway, alley, or highway; and 70 feet from an inhabited building.

(5) Any permit holder must abide by Table 7.4.7.2 in the NFPA (2006 Edition) for Minimum Separation Distances.

(6) Smoking, open flame source, or matches shall not be located within 50 feet where fireworks are sold.

Exception: Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks are not the primary business.

Exception: Locations who engage in fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not removed within the store premises.

(7) All electrical wiring shall meet NFPA 70 National Electrical Code. Permanent structures or buildings used primarily for fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure or damage to lights.

(8) All fireworks sales locations of any type shall maintain 48 inch clear aisles between fireworks display shelves.

(9) Any location where fireworks are sold shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; exit signs in permanent structures shall be illuminated.

(10) Fireworks sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.

(11) All locations shall have a minimum of two 10-pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher. The Fire Chief or his designee may order additional fire extinguishers and determine their location/placement.

(12) All doors used as service doors outside the view of a clerk shall be locked to prevent unattended persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is activated within 8 seconds.

(13) No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where fireworks are sold as a primary business.

(14) No more than one approved explosive magazine shall be located on site for short term storage of extra product. All containers shall be properly placarded and equipped with tamper proof locking devices. It is permitted to place containers in a security fenced area, if approved. Conex containers are not permitted.

(15) Individual fireworks devices or opened fireworks packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.

(16) Vehicles shall not be allowed to park within 30 feet of any structure, providing for clear and open access for any Fire Department response.

B. No person shall sell a DOT 1.4 class firework to a person under the age of 18.

C. Fireworks shall not be sold to an intoxicated person or to any

person whom a reasonable person would believe may be impaired by other substances.

D. Fireworks shall not be sold out of a residence or any part or combination of a residence, including: sidewalk adjacent to the property, yard – including the Right-of-Way, garage, temporary structures on residential property or vehicles. The term residence shall include single, double and multi-family dwellings.

4. Fireworks discharging general requirements.

It is the intention that citizens be allowed to enjoy the use of novelty and consumer fireworks. It is in the best interest of public safety that these restrictions are included to prevent or limit injuries and/or fire(s) caused by fireworks and their use in and around individuals, large gatherings or events, structures and the environment.

A. No person under the age of 18 shall discharge a DOT 1.4 class fireworks without direct supervision by a parent or legal guardian.

B. A person shall only discharge a fireworks device on real property they own or on property where consent has been expressly given. Fireworks shall not be discharged within 500 feet of City-owned or public property, except in the case of the City-owned swimming pool, fireworks shall not be discharged within 1000 feet of the City-owned swimming pool.

C. Fireworks shall not be discharged by persons showing visible signs of, or who are determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.

E. No person shall discharge a fireworks device outside the following dates and hours:

(1) June 13th from 12:00pm until 11:00pm through July 8th from 12:00pm until 11:00pm.

(2) December 31st from 12:00pm until 12:30am on January 3rd

F. It shall be unlawful to alter, remove, or discharge components of a fireworks device from its intended method of discharging.

G. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.

H. No person shall discharge fireworks of any type - novelty, consumer or display - within areas set aside for special events, i.e., City Fourth of July event, with or without a permit, from the hours of 10:00 pm the night before the event and ending at 6:00 am the morning following the event date(s).

I. Exception: Special Limited Display permits may be issued by the Fire Chief. Inspections, Insurance, Display/Use types and Hours of use will apply.

J. No person shall discharge or allow the use of fireworks to occur within 30 feet of an occupied structure in the city limits.

K. No person shall discharge or allow the use of fireworks, including novelty, consumer or display types, within the proximity of others, or in areas where large public gatherings

are present.

L. No person shall discharge or allow the use, explosion or other discharge of fireworks in any commercial or industrial rated building zone within the city limits, without permission of the Fire Chief.

M. Proximity for definition of this section shall mean within 10 feet of another individual, building/structure, or vehicle, unless a further distance is specifically given.

N. Notwithstanding the above subsections, no person shall discharge a fireworks device at any time upon declaration from the fire chief or police chief that discharging a fireworks device is temporarily banned due to severe dry weather conditions that create heightened fire dangers. Any such declaration by the fire chief or police chief shall be published at least once in a newspaper calculated to bring such declaration to the notice of the residents of the City. Any declaration issued by the fire chief or police chief under this subsection shall take effect immediately upon its being published and shall be effective until rescinded by a declaration from the issuing chief indicating a termination of the ban.

5. Display fireworks.
A. No person, firm, partnership, or corporation shall offer for sale, expose for sale, sell at retail, store, or use or explode any display fireworks.

B. Notwithstanding the above subsection, the City Council may, upon application in writing, grant a permit for the display of display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the city evidence of insurance in the following amounts

(1.) Personal Injury..\$500,000.00 per person

(2.) Property Damage\$500,000.00

(3.) Total Exposure.....\$2,000,000.00

The fine for violating any section of this ordinance shall be the following:

A.) First Offense \$250.00

B.) Second Offense \$300.00

C.) Third Offense \$400.00

D.) Fourth Offense and each subsequent offense thereafter will be \$500.00 dollars.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council this 16 Day of August, 2021.

Al Kiewiet, Mayor
Attest: Kristy Sawyer, City Clerk

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