

HAMBURG, IOWA

SUPPLEMENT RECORD

**CODE OF ORDINANCES  
OF THE  
CITY OF HAMBURG, IOWA, 2023**

***Adopted August 21, 1995, by Ordinance No. 95-3***

# SUPPLEMENT RECORD

[illegible]

PLACE IN THE FRONT SECTION OF THE CODE BOOK ALONG WITH THE ADOPTING ORDINANCE  
AND TABLE OF CONTENTS



## Water Rates

**92.01 SERVICE CHARGES.** Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premisis or connection shall be considered a separate and distinct customer whether owned by the same person or not.

(Code of Iowa , Sec. 384.84)

**92.02 RATES FOR SERVICE.** Water service shall be furnished by the City at the following monthly rates:

*6-27-24*

|                     |                     | Year 1                            | Year 2                           | Year 3                           |
|---------------------|---------------------|-----------------------------------|----------------------------------|----------------------------------|
| <b>Resident</b>     |                     |                                   |                                  |                                  |
| <u>Water</u>        | <u>Current Rate</u> | <u>Base Rate Increase \$10.00</u> | <u>Base Rate Increase \$5.00</u> | <u>Base Rate Increase \$5.00</u> |
| First 1,000 gallons | \$8.50              | \$18.50                           | \$23.50                          | \$28.50                          |
| Next 1,000 gallons  | \$7.39              | \$7.39                            | \$7.39                           | \$7.39                           |
| <u>Sewer</u>        | <u>Current Rate</u> | <u>No Rate Increase</u>           | <u>No Rate Increase</u>          | <u>No Rate Increase</u>          |
| First 1,000 gallons | \$14.00             | \$14.00                           | \$14.00                          | \$14.00                          |
| Next 1,000 gallons  | \$4.80              | \$4.80                            | \$4.80                           | \$4.80                           |

| <b>Non-Resident</b> |                     |                                              |                                             |                                             |
|---------------------|---------------------|----------------------------------------------|---------------------------------------------|---------------------------------------------|
| <u>Water</u>        | <u>Current Rate</u> | <u>Base Rate Increase <del>\$10.00</del></u> | <u>Base Rate Increase <del>\$5.00</del></u> | <u>Base Rate Increase <del>\$5.00</del></u> |
| First 1,000 gallons | \$10.63             | \$23.13                                      | \$29.38                                     | \$35.63                                     |
| Next 1,000 gallons  | \$9.24              | \$9.24                                       | \$9.24                                      | \$9.24                                      |
| <u>Sewer</u>        | <u>Current Rate</u> | <u>No Rate Increase</u>                      | <u>No Rate Increase</u>                     | <u>No Rate Increase</u>                     |
| First 1,000 gallons | \$17.50             | \$17.50                                      | \$17.50                                     | \$17.50                                     |
| Next 1,000 gallons  | \$6.00              | \$6.00                                       | \$6.00                                      | \$6.00                                      |



## Chapter 92

### WATER RATES

92.01 SERVICE CHARGES. Each customer shall pay for water serviced provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

New proposed rates for next three years.

| RESIDENT                                    |         | NON - RESIDENT                         |         |
|---------------------------------------------|---------|----------------------------------------|---------|
| <b>Rate Increase of 5% Effective 7/1/18</b> |         |                                        |         |
| Base Rate for Water: 1st 1,000 gallons      | \$8.50  | Base Rate for Water: 1st 1,000 gallons | \$12.75 |
| Per 1000 after                              | \$6.69  | Per 1000 after                         | \$10.03 |
|                                             |         |                                        |         |
| Base Rate for Sewer: 1st 1000 gallons       | \$14.00 | Base Rate for Sewer: 1st 1,000 gallons | \$21.00 |
| per 1000 after                              | \$4.57  | Per 1000 after                         | \$6.84  |
|                                             |         |                                        |         |
| <b>Rate Increase of 5% Effective 7/1/19</b> |         |                                        |         |
| Base Rate for Water: 1st 1,000 gallons      | \$8.50  | Base Rate for Water: 1st 1,000 gallons | \$12.75 |
| Per 1000 after                              | \$7.03  | Per 1000 after                         | \$10.54 |
|                                             |         |                                        |         |
| Base Rate for Sewer: 1st 1000 gallons       | \$14.00 | Base Rate for Sewer: 1st 1,000 gallons | \$21.00 |
| per 1000 after                              | \$4.80  | Per 1000 after                         | \$7.19  |
|                                             |         |                                        |         |
| <b>Rate Increase of 5% Effective 7/1/20</b> |         |                                        |         |
| Base Rate for Water: 1st 1,000 gallons      | \$8.50  | Base Rate for Water: 1st 1,000 gallons | \$12.75 |
| Per 1000 after                              | \$7.39  | Per 1000 after                         | \$11.07 |
|                                             |         |                                        |         |
| Base Rate for Sewer: 1st 1000 gallons       | \$14.00 | Base Rate for Sewer: 1st 1,000 gallons | \$21.00 |
| per 1000 after                              | \$5.04  | Per 1000 after                         | \$7.55  |
|                                             |         |                                        |         |

**Note:** If a customer is watering or filling swimming pool the sewer part of the bill can be adjusted and also if the customer has a leak where the water does not go down the sewer the bill can also be adjusted.



92.03 RATES OUTSIDE THE CITY. Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at rates one hundred fifty percent (150%) of the rates provided in 92.02

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the follows:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The clerk shall prepare, date and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bill.
2. Bills Payable. Bills for combined service accounts shall be due and payable at City Hall within Fifteen (15) days after the date of issue.
3. Late payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail within two (2) days after a bill becomes delinquent, and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Superintendent and the Chairperson of the Utilities Committee shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
4. Fees. A fee of fifty dollars (\$50.00) shall be charged before service is restored to a delinquent customer. If the reconnect has to be done after hours the charge will be seventy-five dollars (\$75.00). No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 CUSTOMER DEPOSITS. There shall be required from every customer a seventy-five dollar (\$75.00) connection fee that will not be refunded when leaving the property.

92.08 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb stop when the property is expected to be vacant for an extended period of time.



**HAMBURG, IOWA**

**ORDINANCE TO AMEND ZONING ORDINANCES**

**ORDINANCE 2011-\_\_\_\_\_**

**AN ORDINANCE REGARDING ANIMAL PROTECTION AND CONTROL.**

**Be It Enacted by the Board of Supervisors of Fremont County, Iowa:**

**CHAPTER 55**

**ANIMAL PROTECTION AND CONTROL**

- 55.01. Definitions
- 55.02. License
- 55.03. Identification
- 55.04. Animal Neglect
- 55.05. Abandonment
- 55.06. Exhibitions and Fights
- 55.07. Running at Large
- 55.08. Livestock
- 55.09. Prohibited Animals
- 55.10. Animals Disturbing the Peace
- 55.11. General Prohibitions and Owner's Duties
- 55.12. Provisions of Seizure, Impoundment, Disposition and Fees
- 55.13. Penalties
- 55.14. Repealer
- 55.15. Severability Clause
- 55.16. Effective Date

55.01. DEFINITIONS. The following terms are used and defined in this chapter:

1. "Animal" means all nonhuman vertebrates.
2. "At Large" means located off of property that is owned by the Owner or which the Owner has legal right to occupy, or upon the public streets, alleys, sidewalks, public grounds, school grounds or parks within the county. An animal shall not be deemed to be at large if:
  - A. The animal is on the Owner's premises, or the premises of a person given charge of the animal by the owner and does not allow the animal to go beyond the premise's real property line or onto public property; or
  - B. On public property, but restrained by a leash held by a person capable of restraining the animal; or
  - C. Restrained inside a motor vehicle.



- D. "At heel" beside a competent person and obedient to that person's command;
  - E. A properly identified hunting dog engaged in lawful hunting practices, field trials, or performance events or a dog that is training for these activities.
- 3. "Dangerous Animal" means (1) any animal of a wild nature or disposition, or which has been trained to attack human beings, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals, and having known tendencies as a species to do so; (2) any dog that has previously attacked a pet or human; or (3) the following shall be deemed to be a "Dangerous Animal" per se: Lions, tigers, jaguars, leopards, cougars, lynx, bobcats, wolves, coyotes, foxes, badgers, wolverines, weasels, skunks, mink, bears, monkeys and chimpanzees, bats, alligators, crocodiles, scorpions, snakes that are venomous or constrictor, and gila monsters.
  - 4. "Leash" means a cord, chain or similar restraint of sufficient strength to restrain an animal that is at all times under the control of a person competent to restrain and control the animal.
  - 5. "Livestock" means an animal belonging to the bovine (cow), caprine (goat), equine (horse), ovine (sheep) or porcine (swine) species, ostriches, rheas, emus, farm deer as defined by Iowa Code 170.1, or any poultry.
  - 6. "Owner" means any person who owns, keeps, shelters or harbors an animal within Fremont County, outside of any incorporated city.
- 55.02. LICENSE. Every owner of a dog or cat kept within Hamburg city limits, over the age of (6) six months shall license such dog or cat with the City Clerk on or before the first day of January each year. The annual license fee shall be \$10 for each dog or cat, or \$5 if the dog or cat is spayed/neutered. All persons who fail to obtain a license within the time periods specified in this chapter may be subject to a delinquent penalty of \$10 for the first offense and \$50 for each subsequent offense. Said penalties shall be in addition to any fines levied pursuant to a county infraction citation. Upon payment of the license fee, and providing proof of a current vaccination against rabies, the City Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog or cat. The City Clerk shall keep a duplicate of each license issued as a public record. Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog or cat for which the license is issued. Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed and in violation of this Ordinance.
- 55.03. IDENTIFICATION. Every owner of a domestic dog or cat within Hamburg city limits must be able to be identified by one of the following methods:
- 1. Collar with name and telephone number of the owner; or
  - 2. Electronic device that is implanted in or on the animal
- 55.04. ANIMAL NEGLECT. No person who confines or harbors any animal shall fail to supply the animal with adequate food and water, or fail to provide said animal with adequate shelter, or torture,



torment, deprive of necessary sustenance, mutilate, beat, or kill any such animal by any means which causes unjustified pain, distress or suffering, whether intentionally or negligently.

55.05. ABANDONMENT. No owner shall abandon any animal.

55.06. EXHIBITIONS AND FIGHTS. No person shall arrange, promote or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or keep a place where such exhibitions and fights are staged for the entertainment of spectators.

55.07. RUNNING AT LARGE. It shall be unlawful for an Owner to allow any dog or cat to run at large within the City.

55.08. LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the City and/or in compliance with the City's zoning regulations.

55.09. PROHIBITED ANIMALS. It shall be unlawful for any person to keep within the City any Dangerous Animal; PROVIDED, this section shall not apply to the following:

1. The keeping of a Dangerous Animal for exhibition to the public by a bonafide traveling circus, carnival, exhibit or show; or
2. The keeping of a Dangerous Animal in a licensed veterinary clinic for treatment; or
3. Any Dangerous Animal under the jurisdiction of, and in the possession of, the Iowa Department of Natural Resources or any local, state or federal law enforcement agency; or
4. The keeping of a dangerous animal in a "hunting pen" used in the training and field trial of hunting dogs.

55.10. ANIMALS DISTURBING THE PEACE. It shall be unlawful for the Owner of any animal, whether confined or not, to permit such animal to disturb the peace of any person by frequent, regular or habitual barking, howling or yelping, or other noises. If the Owner of the animal is not available for contact, the Sheriff's Department or enforcement officer may post notice on the residence, and may impound the animal if there have been more than two (2) complaints, verified by the Sheriff's Department or enforcement officer, within the previous thirty (30) days in regards to said animal. An Owner that has been cited for an animal disturbing the peace more than two (2) times in any given thirty (30) day period may be subject to having their animal impounded by the Sheriff's Department or enforcement officer. This shall not apply to complaints of animals that are further than 100 yards from the complainant's residence.

55.11. GENERAL PROHIBITIONS AND OWNER'S DUTIES.

1. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to the Mayor, Animal Control Officer, or a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the Mayor, Animal Control Officer or local board of health the existence of any animal known or suspected to be suffering from rabies. (*Code of Iowa, Sec. 351.38*)



2. It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another.
3. It is prohibited for any person in any manner to interfere with an employee or designated representative of the City so as to hinder, delay or prevent his or her executing duties in relation to the matters within this chapter.
4. It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter house or the person's dwelling or other structure where the animal is at any time kept. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner that it will not become food for rodents and other vermin.

55.12. PROVISIONS FOR SEIZURE, IMPOUNDMENT, DISPOSITION AND FEES. Any animal found in violation of any of the foregoing provisions may be seized and impounded; or at the discretion of the peace officer, the Owner of such animal may be served a citation to appear before a proper court to answer charges made hereunder; PROVIDED, this Ordinance shall not restrict the right of any peace officer to destroy any animal that is chasing, maiming, or killing any other animal, other than for legalized hunting, or threatening or attempting to bite, or biting any human, and in such cases, the City shall be under no duty to attempt the capture of any animal found in violation of this Ordinance or to notify the owner thereof prior to its destruction.

1. All animals apprehended hereunder shall be delivered promptly to a licensed animal shelter or veterinarian. If the identity of the Owner is ascertainable, the owner shall be notified within forty-eight (48) hours after delivery.
2. In the case of Impounded Dangerous Animals, the Owner thereof shall be notified to make provisions to remove such animal from the City within seven (7) days. If removal is not completed, the City may make provisions for the removal of the Dangerous Animal from the City, or may destroy the animal. All costs associated with the impoundment, removal or euthanasia of a Dangerous Animal shall be assessed against the Owner, in addition to any penalty which may be levied under this Ordinance.
3. In the case of the impoundment of any animal other than a Dangerous Animal, the animal may be recovered by the Owner upon payment of the impounding costs.
4. If the Owner fails to redeem an impounded animal within seven (7) days of date of capture, or if owner cannot be determined, the animal may be disposed of in a humane manner.
5. No animal may be recovered from an impoundment until the Owner establishes that all rabies vaccinations (and any other required vaccinations) and county license are current. All costs of impounding shall be assessed against the Owner of the impounded animal, in addition to any penalty which may be levied.
6. For the purposes of this section on enforcement/impoundment, a ticket may be



served by either delivering the ticket personally to the owner or by posting the ticket at the residence of the owner.

55.13. PENALTIES. Any violation of this Ordinance shall be deemed to be a Simple Misdemeanor, subject to such penalties as provided by the Iowa Code Section 903.1 and Hamburg City Code Section 10.06 and/or a municipal infraction subject to any penalties and Injunction relief as provided by Hamburg City Code Section 10.03.

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

55.15. 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.

55.16. EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication, as provided by law.

Passed by the Board of Supervisors on this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cathy Crain, Mayor  
Hamburg, IA

Attest:

\_\_\_\_\_  
Sheryl Owen  
Hamburg City Clerk



NOTICE OF PUBLIC HEARING  
CITY OF HAMBURG

Notice of Public Hearing to consider approval of an Ordinance amending Chapter 51 of the City Ordinance for the City of Hamburg, Iowa.

WHEREAS, the City Council has voted to amend Chapter 51 of the Code of Ordinances; and

The City Council of the City of Hamburg, Iowa will hold a Public Hearing at its regular meeting of the City Council on Monday, August 3, 2020 at 12:00 (noon) in the City Hall of Hamburg, Iowa to consider arguments for or against the adoption of the proposed Amendment to Chapter 51 of the Code of Ordinance for the City of Hamburg, Iowa.

A copy of the amendment is on file for public inspection in the Office of the City Clerk, City Hall of the City of Hamburg, Iowa.

Public comment will be received at the meeting, and any person or entity desiring to be heard shall be afforded an opportunity to be heard at the Public Hearing.

This Notice is given pursuant to the direction of the City Council of the City of Hamburg, Iowa, as provided in Iowa Code Section 362.3.

Passed and approved this 13 day of July, 2020.

Sheryl Owen  
City Clerk



The regular meeting of the Hamburg City Council was held September 10, 2018 at 6:00 pm in council chambers with Mayor Crain presiding. Council present: Benefiel, Hendrickson, Perry, Stockstell and Thorp.

Motion to approve agenda by Thorp seconded by Hendrickson. Roll call as follows: Ayes: Benefiel, Hendrickson, Perry, Stockstell and Thorp.

Elaine Howard came before the council to see if a 110 outlet could be put on the pole by the quilt sign.

Mike Wells came before the council to talk about the Tri-State Run. It will be held October 6, 2018, 7:30 am to 10:30 am. They will also have a pancake feed afterward at the elementary. All proceeds will go towards the JH Washington DC trip.

Motion by Benefiel seconded by Hendrickson to amend Parking ordinance as stated below. Unanimous by all council members.

Amendment to Ordinance 69.08 in Chapter 69 Parking Regulations. Adding numbers 16, 17, and 18.

16. No parking on west side of Main Street beginning at 1505 Main Street to the corner of Q and Main Street.

17. No parking at the top of S and Main Street on the west side to the city limits.

18. No parking on either side of George Street from Washington to Argyle Street, which is a truck route.

Passed this day \_\_\_\_ of \_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor, Cathy E. Crain

ATTEST:

\_\_\_\_\_  
City Clerk, Sheryl Owen

Motion by Stockstell seconded by Perry to approve bills. Unanimous by all council members

September Bills

|        |          |               |
|--------|----------|---------------|
| Access | \$461.47 | Phones/copier |
| Aflac  | \$22.70  | Employee Ins  |



July 9, 2001

The regular meeting of the Hamburg City Council was held on Monday July 9, 20001, with Mayor Terry Holliman presiding. Council members present: Chuck Behr, Paul Bennett, Gary Holland, and Scott Sumpter. Bill Starnes was absent.

Motion by Sumpter, seconded by Holland to approve the agenda. Motion carried 4-0.

Guests: John D. Field, John Schnert, Patty Lundgren, Gloria Dittberner, R.C. Dittberner, Paula Pickens, Karen Foster, Randy Roup, Dan Aspedon, Emily Seeger, Don Seeger, Mark Schleisman, Bill Boisvert, Mike Bley, Jim Doyle, Larry Miley, Vic Murphy, Chuck Larson, Mike Ensley, Chris Bennett, Brian Langner, Stan McKim, Vicki Sjulín, Joshua Barbee.

#### Resolution 01-06

After due consideration and discussion a motion by Behr, second by Bennett to pass Resolution 01-06 the closing of Q Street located to the north side of Block 190 and the south side of Block 205. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. Motion passed 4-0. Patty Lundgren asked the Council to waive the third reading of Resolution 01-06. Motion by Bennett, seconded by Sumpter to suspend the third reading. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. The Mayor declared the motion duly adopted and declared that Resolution 01-06 had been given its final passage.

#### Resolution 01-07

Motion by Holland, seconded by Behr to pass Resolution 01-07 to vacate the alley located in lots 1 through 12 in Block 190. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. Motion carried 4-0. Mayor Holliman asked if there was a motion to suspend the third reading. Motion by Bennett, seconded by Sumpter to suspend the third reading. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. The Mayor declared the motion duly adopted and declared that Resolution 01-07 had been given its final passage.

#### Resolution 01-08

Motion by Sumpter, seconded by Behr to pass Resolution 01-08 to change the zoning of Block 190 from commercial to industrial. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. Motion passed 4-0. Mayor Holliman asked if there was a motion to suspend the third reading. Motion by Holland seconded by Sumpter to suspend the third reading. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. The Mayor declared the motion duly adopted and declared that Resolution 01-08 had been given its final passage.

#### Resolution 01-10

After due consideration, Council Member Sumpter introduced the Resolution 01-10 to approve and authorize a Loan and Disbursement Agreement and providing for the issuance of \$369,000 General Obligation Sewer Improvement Bonds and providing for the levy of taxes to pay the same, seconded by Council Member Behr. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None. Mayor Holliman asked if there was a motion to suspend the third reading. Motion by Holland seconded by Bennett to suspend the third reading. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. The Mayor declared the motion duly adopted and declared that Resolution 01-10 had been given its final passage.

#### Resolution 01-11

After due consideration, Council Member Sumpter introduced the Resolution 01-11 to approve and authorize a Loan Disbursement Agreement and providing for the issuance and securing the payment of \$369,000 Sewer Revenue Bonds. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None. Mayor Holliman asked if there was a motion to suspend the third reading. Motion by Holland seconded by Bennett to suspend the third reading. Roll call votes as follows: Behr, aye; Bennett, aye; Holland, aye; Sumpter, aye. The Mayor declared the motion duly adopted and declared that Resolution 01-11 had been given its final passage.

#### Ordinance No. 01-02

Council Member Bennett presented for the Council's consideration and caused to be read Ordinance No. 01-02 entitled: "An Ordinance granting unto MidAmerican Energy Company, its successor and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City of Hamburg, Iowa an electric system and to furnish and sell electric energy to the City and its inhabitants for a period of 25 years." The motion was seconded by Council Member Sumpter. Following the consideration of Ordinance No. 01-02 by the Council, the Mayor put the question upon the motion and the roll being called, the vote on the motion was as follows:

Ayes: Behr, Bennett, Holland, Sumpter. Nays: None. Council Member Holland moved that the statutory rule requiring that a franchise ordinance be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended; that ordinance No. 01-02 regarded as having been considered and voted on for passage at two prior Council meetings; and that said Ordinance be placed upon its final passage. The motion was seconded by Council Member Sumpter. Upon roll call, the vote on the motion was as follows: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None. Whereupon, the Mayor declared the Ordinance No. 01-02 duly approved and adopted. Council Member Behr introduced and caused to be read a Resolution 01-12 entitled, "Resolution 01-12 calling Special Election (November 6, 2001) on the matter of granting an electric franchise to MidAmerican Energy Company, and directing publication of Ordinance No. 01-02 and moved its adoption. Council Member Sumpter seconded the motion. After due consideration of the Resolution by the Council, the Mayor put the question upon the motion and the roll being called, the vote on the motion was as follows: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None. Whereupon, the Mayor declared the Resolution duly adopted.

#### Building Permits:

Motion by Holland, seconded by Behr to approve a building permit for Cathy Crain at 1311 Bluff Street for remodeling of her home. Roll call vote as follows: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None

Motion by Sumpter, seconded by Holland to approve construction of a modular home for Steve Lloyd at 2001 Park Street. Roll call vote as follows: Ayes: Behr, Bennett, Holland, Sumpter. Nays: None

Vicki Ladd asked the Council permission to close the block of F Street by the Hamburg Market for a Farmer's Market on Popcorn Day. The Council granted this request. The Council did not feel a motion was needed concerning this matter.

Vicki Sjulín was listed on the agenda as asking for a street dance at the Blue Moon on Popcorn Day. Mrs. Sjulín appeared before the Council she requested permission for the Blue Moon to have a cigarette and beer permit. A special Council meeting will be held on Wednesday July 11, 2001 at 5:45 to address these requests.



- ORDINANCE NO. 97-01  
Vacating the North 17' and the South 17' of J Street from  
Argyle Street West to the Hamburg City Limits
- ORDINANCE NO. 97-3  
Amending the Code of Ordinances of The City of Hamburg,  
Iowa; Pertaining to Four-Way Stop Intersections at Argyle and  
E.
- ORDINANCE NO. 97-2  
Pertaining to Parking
- ORDINANCE NO. 97-3  
Amending Provisions Pertaining to Special Speed Zones
- ORDINANCE NO. 98-1  
Granting to MidAmerican Energy Co., It's Successors and  
Assigns The Right and Franchise to Acquire Construct, Erect,  
Maintain and Operate in the City of Hamburg
- ORDINANCE NO. 01  
Private Wells
- ORDINANCE NO. 01-04  
Collection of Solid Waste
- ORDINANCE NO. 98-03  
Water Connection Charge and Service Discontinued Fee And  
by Repealing Customer Deposit
- ORDINANCE NO. 98-04  
Provisions Pertaining to the Cemetery
- ORDINANCE NO. 98-05  
All-Terrain Vehicles and Snowmobiles
- ORDINANCE NO. 98-06  
Selling and Purchasing of Pseudoephedrine



- ORDINANCE NO. 98-07  
Pet Awards
- ORDINANCE NO. 98-08  
Selling of Alcoholic Beverages
- ORDINANCE NO. 98-09  
Amusement Devices
- ORDINANCE NO. 2007-03  
General Traffic Regulation, Engine Brakes and Compression Brakes
- ORDINANCE NO. 2007-01  
Water Service Charges
- ORDINANCE NO. 2007-02  
Sewer Service Charges
- ORDINANCE  
Solid Waste Control
- ORDINANCE NO. 98-10  
Municipal Infractions



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
HAMBURG, IOWA, BY AMENDING PROVISIONS PERTAINING TO  
PARKING REGULATIONS

BE IT ENACTED by the City Council of the City of Hamburg, Iowa;

SECTION 1. SECTION MODIFIED. Section 69.08 of the Code of Ordinances of the City of Hamburg, Iowa is amended by adding paragraph 16 as follows:

16. On the south side of G Street except between Washington Street and Main Street.

SECTION 2. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and approved this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the day of  
\_\_\_\_\_, 2011.

\_\_\_\_\_  
CITY CLERK



## RESOLUTION 325-25A

*City of Hamburg, Iowa*

**AN ORDINANCE ADOPTING ORDINANCES: MUNICIPAL INFRACTIONS (CHAPTER 4), NUISANCE ABATEMENT PROCEDURES (CHAPTER 50), AND DANGEROUS BUILDINGS (CHAPTER 145) OF THE "CODE OF ORDINANCES OF THE CITY OF HAMBURG, IOWA".**

**BE IT ORDAINED** by the City Council of the City of Hamburg, Iowa, that:

**SECTION 1.** Pursuant to the public notice and the following hearings on the dates of February 27 and March 10, 2025, so required by Sections 362.3 and 380.8, Code of Iowa, there is hereby adopted by the City of Hamburg, Iowa, the three Ordinances (1) Municipal Infractions (Chapter 4), (2) Nuisance Abatement Procedures (Chapter 50), and (3) Dangerous Buildings (Chapter 145).

**SECTION 2.** All of the provisions of the "CODE OF ORDINANCES OF THE CITY OF HAMBURG, IOWA" shall be in force and effect on and after the effective date of this ordinance.

**WHEREAS,** Pursuant to Chapters 1.03 through 1.11 of the City of Hamburg Code of Ordinances and Section 380.8 of the Code of Iowa, The City Council, by motion vote, has approved the adoption of three Ordinances, (1) Municipal Infractions (Chapter 4), (2) Nuisance Abatement Procedures (Chapter 50), and (3) Dangerous Buildings (Chapter 145).

**NOW, THEREFORE, BE IT RESOLVED** That the City Council of Hamburg, Iowa has approved **Municipal Infractions (Chapter 4), Nuisance Abatement Procedures (Chapter 50) and Dangerous Buildings (Chapter 145)** this 25<sup>th</sup> day of March 2025.

Moved by William Barrett

Seconded by Rod Wilson

### Roll Call:

|                |            |
|----------------|------------|
| W. Barrett:    | <u>yes</u> |
| E. Hendrickson | <u>yes</u> |
| M. Smith       | <u>yes</u> |
| M. Stenzel     | <u>yes</u> |
| R. Wilson      | <u>yes</u> |

ADOPTED AND PASSED THIS 25th DAY OF MARCH, 2025.

Attest: Amanda Driever

Harry R Adams  
Harry R Adams, Mayor

Amanda Driever, City  
Clerk



**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF HAMBURG, IOWA: AN  
ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAMBURG,  
IOWA, BY ADDING A NEW CHAPTER MUNICIPAL INFRACTIONS, AMENDING  
NUISANCE ABATEMENT PROCEDURE AND DANGEROUS BUILDINGS**

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Hamburg, Iowa, is amended by adding a new Chapter 4, which is hereby adopted to read as follows:

**CHAPTER 4**

**MUNICIPAL INFRACTIONS**

4.01 Municipal Infraction  
4.02 Environmental Violation  
4.03 Penalties

4.04 Civil Citations  
4.05 Alternative Relief  
4.06 Alternative Penalties

**4.01 MUNICIPAL INFRACTION.** A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a municipal infraction punishable by civil penalty as provided herein.<sup>11</sup>

*(Code of Iowa, Sec. 364.22[3])*

**4.02 ENVIRONMENTAL VIOLATION.** A municipal infraction that is a violation of Chapter 455B of the *Code of Iowa* or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

*(Code of Iowa, Sec. 364.22[1])*

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

**4.03 PENALTIES.** A municipal infraction is punishable by the following civil penalties:

*(Code of Iowa, Sec. 364.22[1])*

1. Standard Civil Penalties.
  - A. First offense – not to exceed \$750.00.
  - B. Each repeat offense – not to exceed \$1,000.00.

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

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2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within 24 hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight hours.

**4.04 CIVIL CITATIONS.** Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

*(Code of Iowa, Sec. 364.22[4])*

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

**4.05 ALTERNATIVE RELIEF.** Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

*(Code of Iowa, Sec. 364.22[9])*



**4.06 ALTERNATIVE PENALTIES.** This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

*(Code of Iowa, Sec. 364.22[12])*

