

REGULATION OF BUSINESS AND VOCATIONS

TABLE OF CONTENTS

CHAPTER 120 — LIQUOR LICENSES AND WINE AND BEER PERMITS471

CHAPTER 121 — CIGARETTE PERMITS.....475

CHAPTER 122 — PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.....479

CHAPTER 123 — HOUSE MOVERS485

Taking Out CHAPTER 124 — LICENSING OF JUNK DEALERS.....489

Taking Out CHAPTER 125 — LICENSING OF PLUMBERS.....497

Not Typical Chapter CHAPTER 126 — PUBLIC AUCTIONS.....499

Taking Out CHAPTER 127 — LICENSING OF TREE SURGEONS AND TREE TRIMMERS503

CHAPTER 128 — AERATION FANS IN GRAIN STORAGE BUILDINGS.....507 keeping?

Light Pollution
Noise

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit by the Clerk, it shall be forwarded to the Police Chief, who shall conduct an investigation and submit a written report as to the truth of the facts averred in the application and a recommendation to the Council as to the approval of the license or permit. It is the duty of the Fire Chief to inspect the premises to determine if they conform to the requirements of the City, and no license or permit shall be approved until or unless an approving report has been filed with the Council by such officers.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32 [2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

(Code of Iowa, Sec. 123.49 [2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49 [2f])

5. Sell, give or otherwise supply any alcoholic beverage, wine or beer to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person,

knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage, wine or beer.

(Code of Iowa, Sec. 123.49 [2h])

6. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49 [2i])

7. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2a])

8. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49 [2j])

9. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(Code of Iowa, Sec. 123.49 [2d])

10. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49 [2e])

11. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49 [2g])

12. Permit or allow any person under legal age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared

foods. This provision does not apply to holders of a class "C" beer permit only.

CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Permit Suspension and Revocation
121.09 Effect of Revocation

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

1. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

(Code of Iowa, Sec. 453A.1[2])

2. "Place of business" means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.

(Code of Iowa, Sec. 453A.1[17])

3. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

(Code of Iowa, Sec. 453A.1[19])

4. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

(Code of Iowa, Sec. 453A.1[23])

121.02 PERMIT REQUIRED. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for

each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

(Code of Iowa, Sec. 453A.13)

121.03 APPLICATION. A completed application on forms provided by the State Department of Revenue and Finance and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

(Code of Iowa, Sec. 453A.13)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine.

(Code of Iowa, Sec. 453A.2 and 453A.36[6])

121.08 PERMIT SUSPENSION AND REVOCATION. If a retailer or employee of a retailer violates the provisions of Section 121.07, the Council

shall, after written notice and hearing, and in addition to the standard penalty, assess the following:

1. For a first violation, the violator shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two (2) years, the violator's permit shall be suspended for a period of thirty (30) days.
3. For a third violation within a period of five (5) years, the violator's permit shall be suspended for a period of sixty (60) days.
4. For a fourth violation within a period of five (5) years, the violator's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.22)

121.09 EFFECT OF REVOCATION. If a permit is revoked, no new permit shall be issued to the retailer or for the place of business for one (1) year after the date of revocation unless good cause to the contrary is shown to the Council.

(Code of Iowa, Sec. 453A.22[3])

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day\$ 5.00
 - B. For one week\$ 10.00
 - C. For up to six (6) months\$ 20.00
 - D. For one year or major part thereof.....\$ 25.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the Code of Iowa.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of eight o'clock (8:00) a.m. and seven o'clock (7:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. **Fraudulent Statements.** The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. **Violation of Law.** The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. **Endangered Public Welfare, Health or Safety.** The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Fremont County School Districts conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A of the Code of Iowa desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount

thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Above Ground Wires

123.01 HOUSE MOVER DEFINED. A "house mover" means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover's permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant's full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

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

1. Bodily Injury - \$50,000 per person; \$100,000 per accident. ^{1,000,000.00}
2. Property Damage - \$50,000 per accident. ^{million}

123.06 PERMIT FEE. A permit fee of twenty-five dollars (\$25.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved. ^{\$ 250.00}

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 ABOVE GROUND WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

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CHAPTER 124

LICENSING OF JUNK DEALERS

124.01 Definitions	124.07 Screening Requirements
124.02 License Required	124.08 General Operating Requirements
124.03 License Application	124.09 Inspections
124.04 Processing of License Application	124.10 License Renewal
124.05 License Fee	124.11 License Suspension or Revocation
124.06 License Issuance and Terms	124.12 Appeals

124.01 DEFINITIONS. Except where otherwise indicated by the context, the following definitions apply in the interpretation and enforcement of this chapter:

1. "Business premises" or "premises" means the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this chapter.
2. "Inoperable motor vehicle" means any motor vehicle which lacks (a) current registration or (b) two or more wheels or other component parts the absence of which renders the vehicle totally unfit for legal use on the highways.
3. "Junk" means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; or junked, dismantled or wrecked automobiles or parts of automobiles; or iron, steel or other old or scrap ferrous or nonferrous material; old bottles or other glass; bones; tinware, plastic or discarded household goods, or hardware; and other waste or discarded material that might be prepared to be used again in some form; but "junk" does not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of the person's own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
4. "Junk dealer" means any person who buys, sells, transfers, delivers or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler and any person who by advertisement, sign or otherwise, holds himself or herself out as a junk dealer, or dealer in the articles described in subsection 124.01(3) of this chapter, including a person engaged in the activity known as "auto salvage," but "junk dealer" does not include businesses engaged in the towing, repairing or storing of wrecked motor vehicles where sales of

such wrecked motor vehicles are only incidental to the collection of repair and storage charges.

5. "Junkyard" means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occur one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, or any place where more than two inoperable motor vehicles or used parts and materials thereof, when taken together, equal the bulk of two motor vehicles, are stored or deposited and the term includes garbage dumps, sanitary fills and automobile graveyards.

124.02 LICENSE REQUIRED. It is unlawful for any person to act as a junk dealer in the City, whether personally, by agents or employees, singly or in connection with some other business or enterprise, without first having obtained a license in accordance with the provisions of this chapter.

124.03 LICENSE APPLICATION. An applicant for a license under this chapter shall file with the Clerk a written application signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization. The application shall include the following:

1. Name, residence address and telephone number of each individual owner, partner or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five years by the applicant and each person signing the application and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings and uses.

124.04 PROCESSING OF LICENSE APPLICATION. Upon receipt of a completed application for license, the Clerk shall forward one copy to the person designated by the City to inspect such premises and such inspector shall cause an inspection to be made of the premises described in the application to

determine whether or not said premises meet the requirements of the zoning regulations and whether or not the activities of the junk dealer are permitted by and are proposed to be conducted in compliance with all zoning ordinances of the City then in effect and whether or not said premises meet all other requirements of this chapter, this Code of Ordinances and State law. The inspector, after examination of the premises, shall submit an inspection report to the Clerk indicating whether or not the premises inspected are approved. If the premises are disapproved, the inspector shall set forth in the report the reasons for disapproval. If the premises are disapproved and the unlawful conditions reported can be corrected, the inspector shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the inspector after the specified date.

124.05 LICENSE FEE.

1. The application for a junk dealer's license shall be accompanied by an annual license fee of one hundred dollars (\$100.00) to be paid to the Clerk. ~~250.00~~
2. All licenses issued hereunder shall be effective from the date of issuance to and including the thirtieth day of June next succeeding the date of issuance. The license fee set forth above shall be prorated on a quarterly basis from the date of issuance to the time of expiration.
3. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

124.06 LICENSE ISSUANCE AND TERMS.

1. After approval of the application by the inspector and receipt of the required license fee, the Clerk shall issue to the applicant a junk dealer's license, and the Clerk shall also notify the Police Chief, Fire Chief and inspector of the issuance of the license, the person to whom the same was issued, the effective dates thereof and the address of the licensed premises.
2. All licenses issued hereunder shall be numbered serially in the order issued and shall set forth the following information:
 - A. The name of the licensee;
 - B. The street address and an accurate description of the business premises or proposed business premises where junk dealer's activities will be conducted;

- C. The fee paid; and
 - D. The expiration date.
3. The licensee shall post the license in a conspicuous place on the licensed premises.
 4. No license issued hereunder shall be transferable and a separate license shall be required for each business premises.

124.07 SCREENING REQUIREMENTS.

1. Except in those instances described in subsection 2 below, a junkyard, as defined in this chapter, must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six (6) feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of any gate, not to exceed ten (10) feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises. No junk shall be permitted to be stored or deposited outside of the fence, nor may junk be stacked higher than the fence within thirty (30) feet of the fence. The inspector shall inspect the fences and gates of all junkyards on an annual basis.

2. Variations from the requirements of this section may be granted as follows:

A. If the perimeter of the junkyard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders thereby the opacity requirements hereof ineffective, the inspector may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.

B. If two or more junkyards which otherwise meet the standards of this chapter abut each other and are located on lots adjoining each other, the fencing requirement of this chapter shall be waived by the inspector for such common boundary so long as the common boundary continues to exist.

C. If the junkyard that is the subject of the application abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six (6) feet high, the

fencing requirement of this section shall be waived by the inspector for such common boundary.

124.08 GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all junk dealers in the City:

1. The junkyard and all things kept therein shall be maintained in a sanitary condition.
2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public street, walkway or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for fire fighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on a Sunday, any legal holiday, or at any time between the hours of six o'clock (6:00) p.m. and seven o'clock (7:00) a.m.
9. No automobile or part thereof shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same is burned in a manner that has been approved by the Fire Chief and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking or burning such vehicles.
10. Each junk dealer shall keep complete, accurate and legible records of all purchases, in the English language. The records shall be kept in a permanent register that shall be kept on the premises. The records shall be available for inspection by any sheriff, deputy sheriff, peace officer,

or authorized agent of the City for a period of at least six (6) months. The records shall include:

- A. The name and residence of the person from whom the junk was received or purchased.
- B. Reasonably accurate inventory and description of each article.
- C. The value or amount paid for each article.

11. No junk dealer shall purchase or receive any personal property from any minor without first receiving the consent, in writing, of the parent or guardian. Such written consent shall be included in the permanent records as described in Section 124.08(10).

12. Upon written order of the Police Chief or the designated representative, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Police Department. The holding period shall not exceed forty-five (45) days.

13. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by the dealer for the purposes of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt up, break up or otherwise dispose of any article the dealer has reason to believe has been stolen or which is adversely claimed by any person or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff, or peace officer, without first obtaining a permit in writing from the Police Chief.

124.09 INSPECTIONS. The Fire Chief and inspector, during the period a junk dealer's license is in effect, may inspect all premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises are being operated and maintained in compliance with all applicable regulations, ordinances and laws. No person shall prevent, hinder or obstruct or attempt to prevent, hinder or obstruct the inspector or other authorized persons in the performance of their duties set forth in this chapter.

124.10 LICENSE RENEWAL.

1. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. Applications for renewal of junk dealers' licenses shall be submitted to the Clerk at least thirty (30) days prior to the expiration of the licenses then in effect. Applications

for renewal of junk dealers' licenses shall be processed in accordance with the provisions of Section 124.04 of this chapter.

2. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six (6) months immediately after such denial in which to conclude the business and dispose of the junk, during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the City, except the licensing requirements of this chapter. If litigation is pending contesting the denial or revocation of a license, the Clerk may grant an extension of time during which the junk dealer may operate, pending the final outcome of such litigation.

124.11 LICENSE SUSPENSION OR REVOCATION. The Clerk may suspend or revoke any license issued hereunder for any of the following reasons:

1. The licensee, any agent or employee has been convicted of a violation of any of the provisions of this chapter.

2. The Fire Chief, the inspector or the Police Chief has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fail to comply with one or more of the provisions of this chapter or of some other regulation, ordinance or statute, and the licensee has failed to correct such condition within the reasonable time specified by the inspector in accordance with the report the inspector has submitted under Section 124.04 of this chapter.

124.12 APPEALS. Any applicant who has been denied a license or renewal under this chapter or any licensee under this chapter whose license has been suspended or revoked may appeal to the Council by filing with the Clerk, within seven (7) days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal setting forth the grounds upon which the appeal is based. The Council shall, within fifteen (15) days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty (30) days of the filing of the appeal. If the Council finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been suspended or revoked without just cause, it may reverse or modify the administrative decision.

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CHAPTER 125

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LICENSING OF PLUMBERS

125.01 License Required
125.02 Application for License

125.03 Forfeiture of License

125.01 LICENSE REQUIRED. Any plumber wishing to do business in connection with the waterworks system of the City must obtain a plumber's license.

125.02 APPLICATION FOR LICENSE. An application shall be made in writing in the office of the Clerk. The application shall contain the applicant's name and place of business and shall state the applicant's willingness to be governed in all respects by the rules and regulations of the City's waterworks system. The application shall be signed by two responsible citizens of the City, vouching for the business capacity and good reputation of the applicant. The license fee is five dollars (\$5.00).

125.03 FORFEITURE OF LICENSE. Any plumber who is guilty of a violation of any of the rules and regulations adopted by the City relative to the operation of its waterworks system shall forfeit his or her license, and the forfeiture of the license of any plumber shall operate as a suspension of the license held by said plumber's partner or by any person or persons employed by said plumber.

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CHAPTER 126

PUBLIC AUCTIONS

126.01 Definitions
126.02 License Required
126.03 Application
126.04 Bond Required

126.05 License Fee
126.06 Issuance and Transferability
126.07 Inventory of Merchandise Sold
126.08 Exemptions

126.01 DEFINITIONS. The definitions of the following terms, as used in this chapter, are as follows:

1. "Auction sale" means the offering for sale or selling of personal property to the highest bidder, or the offering for sale or selling of personal property at a high price and then offering the same at successively lower prices until a buyer is secured.
2. "New merchandise" means all merchandise not previously sold at retail.

126.02 LICENSE REQUIRED. It is unlawful for any person to sell, dispose of or offer for sale at public auction at any place within the City any new merchandise, unless such person and the owners of such merchandise, if it is not owned by the vendors, first secure a license as provided in this chapter and comply with the regulations set forth in this chapter.

126.03 APPLICATION. Any person desiring a license to sell at public auction shall, at least ten (10) days prior to such proposed auction sale, file with the Clerk an application in writing, duly verified by the person proposing to sell, dispose of or offer for sale any new merchandise at public auction, which application shall state the following:

1. The name, residence and post office address of the person making the application, and if a firm or corporation, the names and addresses of the members of the firm or officers of the corporation, as the case may be;
2. The name, residence and post office address of the auctioneer who will conduct the auction sale;
3. A detailed inventory and description of all such new merchandise to be offered for sale at the auction, which inventory shall set forth the cost to the applicant of the several items contained in such inventory; and

4. Whether or not the sale at public auction shall be with or without reservation.

126.04 BOND REQUIRED.

1. At the time of filing an application for an auction sale license, and as a part thereof, the applicant shall file and deposit a bond with the Clerk, with sureties to be approved by the Council, in the penal sum of two times the value of the merchandise proposed to be offered for sale at such auction as shown by the inventory filed, running to the City, and for the use and benefit of any purchaser of any merchandise at such auction who might have a cause of action of any nature arising from or out of such auction sale against the auctioneer or applicant. The bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the City or any department or subdivision thereof, the payment of any fines that may be assessed by any court against the applicant or auctioneer for violation of the provisions of this chapter, and the satisfaction of all causes of action commenced within one year from the date of such auction sale and arising therefrom; provided, however, that the aggregate liability of the surety for all said taxes, fines and causes of action shall in no event exceed the sum of such bond.
2. In such bond, the applicant and the surety shall appoint the Mayor to be the agent of the applicant and the surety for the service of process. In the event of such service, the agent on whom such service is made shall, within five (5) days after the service, mail by ordinary mail a true copy of the process served upon said agent to each party for whom the agent is served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the court's jurisdiction.
3. Such bond shall contain the consent of the applicant and surety that the district court of Fremont County shall have jurisdiction of all actions against the applicant or surety, or both, arising out of said sale.
4. The City, or any subdivision thereof, or any person having a cause of action against the applicant arising out of the sale of such new merchandise may join the applicant and the surety on such bond in the same action or may in such action sue either such applicant or the surety alone.

126.05 LICENSE FEE. At the time of filing the application and bond, the applicant shall pay to the Clerk a license fee in the sum of fifty dollars (\$50.00)

for each day it is proposed to hold such auction sale as shown by the application.

126.06 ISSUANCE AND TRANSFERABILITY. Upon the filing of an application for an auction sale and after the applicant has fully complied with all the provisions of this chapter, the Council, by the Mayor, shall issue to the applicant a license authorizing the holding of such auction sale as proposed in said application. Such license shall not be transferable.

126.07 INVENTORY OF MERCHANDISE SOLD. Within ten (10) days after the last day of the auction, the applicant shall file in duplicate with the Clerk an inventory of all merchandise sold at such auction and the price received therefor, which inventory shall be verified. The Clerk shall, immediately after receiving such report and inventory, forward a copy thereof to the State Tax Commission.

126.08 EXEMPTIONS. The provisions of this chapter shall not extend to the sale at public auction of livestock, farm machinery, farm produce or other items commonly sold at farm sales, or to auction sale of new merchandise which was assessed personal property tax or is replacement stock of merchandise inventory which was assessed personal property tax, or to auction sales under the direction of any court or court officers of such sales as may be required by law.

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CHAPTER 127

LICENSING OF TREE SURGEONS AND TREE TRIMMERS

127.01 Definition	127.08 Inspection and Investigation
127.02 License Required	127.09 Revocation of License
127.03 Exemptions	127.10 Appeals Procedure
127.04 Qualifications	127.11 Effect of Revocation
127.05 Application	127.12 Rebates
127.06 Hearing on Refusal to Issue License	127.13 Transfer of License Prohibited
127.07 Duties of Licensee	

127.01 DEFINITION. "Tree surgeon" or "tree trimmer" means any person who is engaged in trimming or cutting down any tree or trees or in looking after or caring for diseased or infected trees.

127.02 LICENSE REQUIRED. It is unlawful for any person to act as a tree surgeon or a tree trimmer in the City without having a license as provided in this chapter.

127.03 EXEMPTIONS.

1. This chapter shall not be construed to require a license for each employee or agent of a person engaged in such business as a tree surgeon or tree trimmer.
2. The owner or occupant of real estate shall not be required to obtain a license for trimming or cutting trees on such premises.

127.04 QUALIFICATIONS. Any person who satisfies the conditions prescribed by this chapter and satisfies the Clerk or Mayor that such occupation has not and will not endanger the public welfare, order, safety, health or morals shall be entitled to a license upon filing the proper application and paying the full fee required.

127.05 APPLICATION. The licensing procedure is as follows:

1. Fee Payment; Expiration. The fee of five dollars (\$5.00) shall be paid to the Clerk at the time the application is presented to the Clerk or to the Mayor. The license shall expire one year after the time of issuance.
2. Application. Application for such license under this chapter shall be in writing on forms furnished by the Clerk. Each application shall include the applicant's full name, the address of the applicant's place of

residence, and business address. If the applicant is a corporation or other association, the names and addresses of its principal officers shall be listed. The application shall further state the license history of the applicant, whether such person has previously operated in this or other states under similar licenses and whether any such licenses have been revoked or suspended, and the reasons therefor. The applicant must attach to the application a certificate from an insurance company authorized to do business within the State certifying that the applicant has liability insurance for said person's occupation in the minimum amount of \$100,000 for personal injury and \$25,000 for property damage.

3. Issuance of License. If the Clerk or Mayor determines that the application is in proper form and that all of the prescribed conditions for the issuance of the license have been satisfied, and the fee paid, the license shall immediately be issued, bearing the signatures of the Clerk and Mayor.

127.06 HEARING ON REFUSAL TO ISSUE LICENSE. If the Clerk refuses to issue a license, the Clerk shall endorse the reasons for such refusal on the application. The applicant shall then have the right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk or Mayor by a majority vote of the Council Members present, if a quorum, and the Clerk shall carry out the Council's decision.

127.07 DUTIES OF LICENSEE. Every licensee under this chapter shall:

1. Permit all reasonable inspections of the licensee's business;
2. Ascertain and at all times comply with all laws, ordinances and regulations applicable to such licensed business;
3. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare; and
4. Refrain from operating the business after the expiration of the license and during any period the license is revoked or suspended.

127.08 INSPECTION AND INVESTIGATION. The Clerk or any other authorized official or agent of the City shall have power to inspect and investigate the conduct of the licensee under this chapter.

127.09 REVOCATION OF LICENSE.

1. The Clerk or Mayor shall revoke any license issued under this chapter for the following reasons:

A. The licensee has made incomplete, false or fraudulent statements in the application for the license or in the conduct of business;

B. The licensee has violated this chapter or any other ordinance or regulations or has otherwise conducted business in an unlawful manner;

C. The licensee has conducted business in a manner endangering the public welfare, health, safety, order or morals.

2. The notice of revocation shall be in writing and shall be served personally or in the manner required for personal service of original notice by the Iowa Rules of Civil Procedure, and shall apprise the person affected of the specific violations. In the absence of the person affected or an agent, a copy of such notice may be mailed to the residence or business address of the licensee as set forth in the application, and such mailing of notice shall constitute service thereof.

127.10 APPEALS PROCEDURE. If the Clerk or Mayor revokes a license, the Council shall be immediately notified, in writing, giving the reasons therefor. The licensee shall then have a right to a hearing before the Council at its next regular meeting by delivering or mailing to the Clerk or Mayor a written notice requesting a hearing before the Council. The Council at such meeting may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council Members present, if a quorum.

127.11 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

127.12 REBATES. No rebate of the license fee paid shall be given any licensee whether such license is voluntarily surrendered or is revoked by action as set out in Section 127.09.

127.13 TRANSFER OF LICENSE PROHIBITED. In no case shall any license issued under this chapter be transferable to another person or be used for a purpose other than that for which it was issued.

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CHAPTER 128

AERATION FANS IN GRAIN STORAGE BUILDINGS

128.01 Hours of Operation

128.02 Permit Required

128.01 HOURS OF OPERATION. It is unlawful for the owner or operator of any grain storage building to operate the aeration fans thereon between the hours of nine o'clock (9:00) p.m. and six o'clock (6:00) a.m.

128.02 PERMIT REQUIRED. In the event any owner or operator of any grain storage and warehousing business should, because of the condition of the grain stored therein, believe it necessary or advisable to operate the aeration fans during the prohibited hours, said owner or operator may make an application for a special permit. If all of the residents within an area of three hundred (300) feet of the fan or fans consent to such special permit for operation, the Mayor may grant such request forthwith. However, if the consent of the surrounding residents is not filed with the application for a special permit, the Mayor or Clerk shall fix a time for hearing before the Council and shall cause notice of such hearing to be served upon all of the residents living within three hundred (300) feet of said aeration fans. Such notice of hearing shall be given at least two (2) days prior to the time of said hearing and the applicant shall pay any costs for the service of said notice. The Council, in considering the application, shall consider the necessity for granting such special permit, the type of aeration fans used, and nearness of the objectors to such fans, the amount of noise and vibration emitted, the weather conditions, and whether the operation thereof during the prohibited hours will constitute a nuisance to the objectors.

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