

Title 10 VEHICLES AND TRAFFIC*

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10.04.010 Definition of words and phrases.

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them.

1. "Abandoned vehicle" means any of the following:

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- a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable, or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours, or
 - c. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, the police department may declare the vehicle abandoned within the ten-day period by commencing the notification process described in this section.
2. "Alley" means a thoroughfare laid out, established and platted as such, by constituted authority.
 3. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state, and privately owned vehicles as are designated or authorized by the director of transportation under Section 321.451 of the Code of Iowa.
 4. "Bicycle" means either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.
 5. "Business district" means the territory contiguous to and including a street when fifty percent or more of the frontage thereon for a distance or three hundred feet or more is occupied by buildings in use for business.
 6. "Commercial vehicle" means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply:
 - a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds.
 - b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds.
 - c. The vehicle is designed to transport sixteen or more persons, including the driver.
 - d. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.
 7. "Commercial service vehicle" means a vehicle used by personnel of a business conducting: construction, de-construction, repairs, maintenance, remodeling or other services that require the employees to have direct access to the tools, equipment or supplies located in or on the said vehicle while parked immediately adjacent to the business being serviced.
 8. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or, any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
 9. "Individual parking space" means a portion of the paved surface of a parking lot owned or operated by the City of Fort Dodge or of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as specified and marked off by the department of public works.
 10. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict.

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11. "Laned street or highway" means a street the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.
12. "Leased or reserved parking space" shall mean any space within a parking meter zone which is duly designated as such for the parking of a single vehicle within an area designated by lines painted or otherwise durably marked on the curb or on the surface of the street or parking lot.
13. "Motor home" means any motor vehicle so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons and customarily or ordinarily used for vacation or recreational purposes.
14. "Motor vehicle" means a vehicle which is self-propelled and not operated upon rails. The terms "car" or "automobile" shall be synonymous with the term "motor vehicle."
15. "Used motor vehicle" or "second-hand motor vehicle" or "used car" means any motor vehicle of a type subject to registration under the laws of this state which have been sold "at retail" as defined in Chapter 322 of the Code of Iowa and previously registered in this or any other state.
16. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor and a motorized bicycle.
17. "Official traffic control devices" mean all signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
18. "Official traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
19. "Operator" or "driver" means every person who is in actual physical control of a motor vehicle upon a highway.
20. "Park or parking" shall mean the standing of a vehicle, whether occupied or not, upon a street or in an off-street parking lot owned or operated by the City of Fort Dodge, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs, or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
21. "Parking meter" shall mean any mechanical device or meter not inconsistent with this title placed or erected for the regulation of parking by authority of this title.
22. "Parking meter space" shall mean any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or lot adjacent to or adjoining the parking meters.
23. "Parking meter zone" shall mean any restricted street or lot owned or operated by the City of Fort Dodge upon which parking meters are installed and in operation.
24. "Peace or police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in Section 801.4 of the Code of Iowa.
25. "Pedestrian" means any person afoot.
26. "Private road" or "driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
27. "Residence district" means the territory within the city contiguous to and including a street, not comprising a business, suburban or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.

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28. "Right-of-way" means the privilege of the immediate use of the street or highway.
29. "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel.
30. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
31. "School bus" means every vehicle operated for the transportation of children to or from school, except vehicles which are:
 - a. Privately owned and not operated for compensation;
 - b. Used exclusively in the transportation of the children in the immediate family of the driver;
 - c. Operated by a municipally or privately owned urban transit company or a regional transit system as defined in section 324A.1 for the transportation of children as part of or in addition to their regularly scheduled service; or
 - d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.
32. "School district" means the territory contiguous to and including a street for a distance of two hundred feet in either direction from a schoolhouse.
33. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
34. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
35. "Suburban district" means all other parts of the city not included in the business, school or residence districts.
36. "Through (or thru) street" means every street or portion thereof at the entrances to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a police officer or traffic-control signal. The term "arterial" shall be synonymous with "through" or "thru" when applied to streets of this city.
37. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel.
38. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. "Vehicle" does not include:
 - a. Any device moved by human power.
 - b. Any device used exclusively upon stationary rails or tracks.
 - c. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.
 - d. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

(Ord. No. 2143, § I, 7-11-11)

Note—Section III of Ord. 2143 states: "Any person in violation of the provision hereof shall be subject to penalties provided by Ordinance 1999 Section II (Section 1.20.020 FDMC)."

10.04.020 Meaning of terms used in this title.

Wherever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Crosswalk. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrians crossing by lines or other markings on the surface.

Emergency Vehicle. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

Intersection. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle whether or not one such street or highway crosses the other.

Motor Vehicle. Every vehicle, as herein defined, which is self-propelled.

Official Traffic Signs. All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

Official Traffic Signals. All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning, or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle, and who is over fifteen years of age.

Parking. The standing of a vehicle upon a street whether such vehicle is occupied or not and whether such vehicle be accompanied or not by an operator for a period of time in excess of two minutes.

Pedestrian. Any person afoot.

Private Road or Driveway. Every road or driveway not open to the use of the public for purpose of vehicular travel.

Police Officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Right-of-way. The privilege of the immediate use of the street or highway.

Roadway. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular traffic.

Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk Area. That portion of a street between the curb lines and the adjacent property lines.

Street or Highway. Every way set apart for public travel, except the footpaths.

Traffic. Pedestrians, ridden or herded animals, vehicles, motor busses, and other conveyances either singly or together while using any street for purpose of travel.

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Traffic Control Signal. Any device using colored lights or words or any combination thereof, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a public highway, except such as are used exclusively by human power.

Mechanical Parking Time Indicator or Parking Meters. A device or devices which shall indicate thereon the length of time during which a vehicle may be parked in a particular place which shall have as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which said coin may be deposited; a timing mechanism to indicate the passage of the interval of time shall have elapsed; also brief instructions as to their operation.

Individual Parking Space. A portion of the paved surface of the streets of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as shall be specified and marked off by the department of accounts, finances and public safety.

(Ord. 934 § 1; Ord. 750 § 1).

FOOTNOTE(S):

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For the statutory definitions pertaining to motor vehicles and laws of the road, see ICA 321.1. ([Back](#))

Chapter 10.08 AUTHORITY OF POLICE ^[2]

Sections:

[10.08.010 Police to direct traffic.](#)

[10.08.020 Mayor authorized to adopt emergency regulations.](#)

[10.08.030 Obedience to police.](#)

[10.08.040 Public employees to obey traffic regulations.](#)

[10.08.050 Exemptions to authorized emergency vehicles.](#)

[10.08.060 Persons riding bicycles or animals to obey traffic regulations.](#)

[10.08.070 Tractors and traction engines.](#)

[10.08.080 Trucking prohibited.](#)

10.08.010 Police to direct traffic.

It shall be the duty of the police department of this city to enforce the provisions of this chapter. Officers of the police department are authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(Ord. 750 § 2).

10.08.020 Mayor authorized to adopt emergency regulations.

The mayor is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergencies or special conditions.

(Ord. 1587 § 3 (part), 1982; Ord. 750 § 3).

10.08.030 Obedience to police.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or directions of a police officer.

(Ord. 750 § 4).

10.08.040 Public employees to obey traffic regulations.

The provisions of this title shall apply to the operator of any vehicle owned or used in the service of the U. S. Government, this state, county, or city, and it shall be unlawful for any said operator to violate any of the provisions of this chapter, except as otherwise permitted in this chapter.

(Ord. 750 § 5).

10.08.050 Exemptions to authorized emergency vehicles.

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined in this title while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(Ord. 750 § 6).

10.08.060 Persons riding bicycles or animals to obey traffic regulations.

Every person riding a bicycle or any animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this chapter applicable to the operator of any vehicle, except those provisions of this title with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

(Ord. 750 § 7).

10.08.070 Tractors and traction engines.

No motor vehicle which has projection of metal beyond the tread or traffic surface of the wheel excepting a vehicle equipped with Caterpillar tread shall operate over any street without permission of the police department. The operator of such vehicle shall before entering upon the street obtain from the police department a definite routing, and in no case shall such vehicle be operated on the street in such a manner as to damage the paving. No tractor or traction engine having mud lugs or ice spurs attached to its wheels shall be moved over any street within the city of Fort Dodge.

(Ord. 750 § 8).

10.08.080 Trucking prohibited.

No vehicle used for the transportation of merchandise or materials shall be permitted on that part of Central Avenue where traffic signals are in operation, except in the block where delivery is made at the front of the building when no other entrance to the building is available.

(Ord. 750 § 9).

FOOTNOTE(S):

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For the statutory provisions regarding obedience to police officers, see ICA 321.229; for provisions regarding the nonexemption of public officers, see ICA 321.230; for provisions regarding emergency vehicles, see ICA 321.231—321.232; for provisions regarding the applicability of motor vehicle regulations to bicycles and animal-drawn vehicles, see ICA 321.234. ([Back](#))

Chapter 10.12 TRAFFIC SIGNS AND SIGNALS*

Sections:

[10.12.010 City council to determine.](#)

[10.12.020 Obedience to traffic signs and signals.](#)

[10.12.030 Traffic control signal legend.](#)

[10.12.040 Display of unauthorized signs and signals prohibited.](#)

[10.12.050 Interference with signs and signals prohibited.](#)

[10.12.060 Manager authorized to designate crosswalks.](#)

[10.12.070 Manager authorized to designate safety zones and lanes for traffic.](#)

10.12.010 City council to determine.

- (a) The city council shall by resolution determine and designate the character or type of all official traffic signs and signals. Subject to this selection, the manager is authorized, and, as to those signs and signals required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city of Fort Dodge.
- (b) No provision of this chapter for which signs are required shall be enforceable against an alleged violator if, at the time and place of the alleged violation, the sign required in this chapter is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without a sign being erected to give notice thereof.

(Ord. 2045 § 2 (part), 2005; Ord. 1587 § 3 (part), 1982; Ord. 750 § 10).

10.12.020 Obedience to traffic signs and signals.

It is unlawful for the operator of any vehicle to disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer.

(Ord.750 § 11).

10.12.030 Traffic control signal legend.

Whenever traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights or the words "Go," "Caution," and "Stop," such light and terms shall indicate as follows:

- (1) Green or "Go." Traffic facing the signal at his right may proceed, except that vehicular traffic shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.
- (2) Amber or "Caution." When shown following the green or "Go," traffic facing the signal to the right shall stop before entering the intersection unless so close to the intersection that a stop cannot be made in safety.
- (3) Red or "Stop." Traffic facing the signal at his right shall stop before entering the intersection and remain until Green or "Go" is shown alone.

(Ord. 750 § 12).

10.12.040 Display of unauthorized signs and signals prohibited.

It is unlawful for any person to place, maintain or to display upon or in view of any street any unofficial sign, signals, or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic or which hides from view any official traffic sign or signal. Every such prohibited sign, signal, or device is a public nuisance and the chief of police is empowered to remove the same, or cause it to be removed, without notice.

(Ord. 750 § 13).

10.12.050 Interference with signs and signals prohibited.

It is unlawful for any person to wilfully deface, injure, move, obstruct, or interfere with any official traffic sign or signal.

(Ord. 750 § 14).

10.12.060 Manager authorized to designate crosswalks.

The manager is authorized to establish and to designate and shall hereafter maintain, or cause to be maintained, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(Ord. 2045 § 2 (part), 2005; Ord. 1587 § 3 (part), 1982; Ord. 750 § 15).

10.12.070 Manager authorized to designate safety zones and lanes for traffic.

- (a) The manager is empowered to establish safety zones of such kind and character at such places as he may deem necessary for the protection of pedestrians.
- (b) The manager is also authorized to mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the provisions of this chapter.

(Ord. 2045 § 2 (part), 2005; Ord. 1587 § 3 (part), 1982; Ord. 750 § 16).

Chapter 10.16 PEDESTRIANS' RIGHTS AND DUTIES*

Sections:

[10.16.010 Pedestrians' right-of-way.](#)

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[10.16.080 Boarding or alighting from motor buses or vehicles.](#)

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10.16.010 Pedestrians' right-of-way.

- (a) The operator of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.
- (b) Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

(Ord. 750 § 17).

10.16.020 Pedestrians' rights and duties at controlled intersections.

On streets where traffic at intersections is controlled by traffic control signals or by police officers, pedestrians shall not cross a roadway against a red or "Stop" signal and shall not cross at any place except in a marked or unmarked crosswalk. A pedestrian crossing or starting across in any such crosswalk on a green or "Go" signal shall have the right of way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or a safety zone, and it shall be unlawful for the operator of any vehicle to fail to yield the right of way to any such pedestrian.

This section, in requiring operators of vehicles to yield the right of way to pedestrians crossing or to those who have started to cross the roadway upon a "Go" signal, is designated to afford protection to pedestrians under the following circumstances:

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- (1) A pedestrian who faces a "Go" at his right and starts across the street should be permitted to continue his course even though the signal may change and exhibit a "Go" signal to vehicles on the cross street, and such vehicles shall not proceed across the path of the pedestrian with such haste as to endanger such pedestrian.
- (2) When both a pedestrian and a vehicle face a "Go" signal at their right and the pedestrian starts across the roadway in the direction permitted, and the vehicle proceeds to turn to the right overtaking such pedestrian, the vehicle should yield to the pedestrian.

(Ord. 750 § 18).

10.16.030 Pedestrian to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalk.

(Ord. 750 § 19).

10.16.040 Pedestrian traffic within a certain area.

Pedestrian traffic across the streets of Fort Dodge, Iowa, is prohibited except within a marked crosswalk or within any unmarked crosswalk at the end of a block.

10.16.050 Pedestrian traffic across state arterial highways.

Pedestrian traffic is prohibited except within a crosswalk at an intersection across any state arterial highway within the city limits of Fort Dodge, Iowa.

(Ord. 1022 § 2).

10.16.060 Pedestrians soliciting rides.

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any vehicle.

(Ord. 750 § 20).

10.16.070 Driving through safety zone prohibited.

It shall be unlawful for the operator of a vehicle at any time to drive the same over or through a safety zone as defined in this title.

(Ord. 750 § 21).

10.16.080 Boarding or alighting from motor buses or vehicles.

It shall be unlawful for any person to board or alight from any motor bus or vehicle while such motor bus or vehicle is in motion.

(Ord. 750 § 22).

10.16.090 Unlawful riding.

It shall be unlawful for any person to ride on any bus or vehicle upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not

apply to an employee engaged in the necessary discharge of a duty or within truck bodies in space intended for merchandise.

(Ord. 750 § 23).

Chapter 10.20 STOPPING, STANDING AND PARKING ¹³

Sections:

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[10.20.015 Angle parking.](#)

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- [10.20.250 No parking zones—Established.](#)
- [10.20.255 "No parking" signs, designation and violation.](#)

10.20.010 Standing; parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the curb-side wheels of the vehicle within eighteen inches of the curb or edge of the roadway, except as otherwise provided in this chapter.

(Ord. No. 2142, § I, 6-27-11)

10.20.015 Angle parking.

Angle parking may be permitted on such streets or portions thereof as the council may from time to time designate by resolution. Where angle parking is permitted, signs shall be erected, and except as otherwise provided in this chapter all vehicles shall be parked at an angle of forty-five degrees with the curb and with the front wheel as near to the curb as practical. Exception: Motorcycles shall be allowed to park with the rear wheel of the vehicle parked against the curb.

(Ord. No. 2142, § I, 6-27-11)

10.20.020 Parking restrictions.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:

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- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within five feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway;
- (7) Between a safety zone and the adjacent curb or with ten feet of points on the curb immediately opposite the ends of the safety zone;
- (8) Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light;
- (9) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;
- (10) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure;
- (13) At any place where official signs or markings prohibit stopping, standing or parking. The city manager, or his designate, on resolution of the council, shall place and maintain such signs and markings so required by provisions of this code.

(Ord. No. 2142, § I, 6-27-11)

10.20.025 Penalty.

Any person who violates any provision of this chapter shall pay a fine of fifteen dollars for each separate violation, except as otherwise described in this chapter.

(Ord. No. 2142, § I, 6-27-11)

10.20.030 Time limits; loading and unloading.

- (1) It is unlawful for any person to park or leave standing on any street, alley, public parking lot or other public place in the city of Fort Dodge, Iowa, any motor vehicle or other vehicle for a period longer than twenty-four hours.
- (2) Large Vehicles. No person shall park any motor truck, trailer, semi-trailer, truck tractor or motor home which exceeds eighty-four inches in width or twenty feet in length on any street between sunrise and sunset for a period longer than sixty minutes, or between sunset and sunrise for a longer period than thirty minutes, except for loading and unloading purposes, or while in the actual process of being loaded or unloaded or making necessary minor repairs.
- (3) Commercial vehicles may park in the parking stalls to load or to unload merchandise, without depositing coins or tokens for a period not to exceed thirty minutes.
- (4) Stopping for the loading or unloading of merchandise or materials is permitted. Vehicles used for the transportation of merchandise or materials may back to the curb to take on or discharge loads. No vehicle shall remain backed to the curb, except if it is actually loading or unloading, and in no case longer than the actual loading or unloading requires.

(Ord. No. 2142, § I, 6-27-11)

10.20.035 Motor bus stops and taxicab stands—Established, restrictions, exceptions.

- (1) The manager is authorized to establish bus stops and taxicab stands on such public streets in such places and in such manner as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by appropriate signs.
- (2) It is unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxi stand, except that the operator of any passenger vehicle may temporarily stop in any such stand for the purpose of and while actually engaged in the loading and unloading of passengers.
- (3) It is unlawful for the operator of any bus or taxicab to stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers.

(Ord. No. 2142, § I, 6-27-11)

10.20.040 Parking prohibited in certain places.

It is unlawful for any operator to stop, stand, or park any vehicle upon a street, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that an operator may stop temporarily during the actual loading and unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(Ord. No. 2142, § I, 6-27-11)

10.20.045 Alley parking prohibited.

On the streets of the city of Fort Dodge commonly called alleys, no vehicle shall be parked except for the purpose of actually loading and unloading, and in no case shall a vehicle be parked so as to obstruct traffic in any alley.

(Ord. No. 2142, § I, 6-27-11)

10.20.050 Using streets for storage.

No person shall use the street or the area between the sidewalk and the curb or roadway for storage purposes, or to park vehicles for the purpose of displaying them for sale, or for the repairing of any vehicles except where it may be necessary to use same for a short time to make minor repairs.

(Ord. No. 2142, § I, 6-27-11)

10.20.055 Parking system.

The following named and described areas, streets, portions of streets, or off-street parking lots, and such other areas, streets, portions of streets, or off-street parking lots as may hereafter be established by resolution of the Council shall constitute the parking system:

- (1) On-street Meter Zones:

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- (A) Central Avenue from Third Street to Fifteenth Street;
 - (B) First Avenue North from Third Street to Twelfth Street;
 - (C) First Avenue South from Third Street to Fifteenth Street;
 - (D) Second Avenue South from Third Street to Thirteenth Street;
 - (E) Second Avenue North from Ninth Street to Twelfth Street;
 - (F) Third Street from Second Avenue South to First Avenue North;
 - (G) Fourth, Fifth, Sixth Streets from Second Avenue South to First Avenue North;
 - (H) Seventh and Eight[h] Streets from Second Avenue South to Third Avenue North;
 - (I) Ninth and Tenth Streets from First Avenue South to Second Avenue North'
 - (J) Eleventh Street from Second Avenue South to Second Avenue North;
 - (K) Twelfth Street from Second Avenue South to Second Avenue North;
 - (L) Thirteenth, Fourteenth and Fifteenth Streets from First Avenue South to First Avenue North.
- (2) Parking Lots: Including the parking lots listed below and those adopted or modified through council resolution. Parking within the listed lots, and all parking lots owned or operated by the city shall be controlled by a combination of parking meters and permits issued by the city. The manager or his designee shall determine the exact composition of meters and permits for each parking lot.
- (A) Lot 1 - First Avenue North and Tenth Street North;
 - (B) Lot 2 - Seventh Street North and Third Avenue North;
 - (C) Lot 3 - Seventh Street North and Third Avenue North;
 - (D) Lot 4 - Second Avenue South between Eight and Ninth Streets South;
 - (E) Lot 6 - Second Avenue South between Ninth and Tenth Streets South;
 - (F) Lot 7 - First Avenue North and Sixth Street North;
 - (G) Lot 9 - Second Avenue North and Ninth Street;
 - (H) Lot 11 - Central Avenue and First Avenue North;
 - (I) Lot 12 - First Avenue North and Eighth Street.

(Ord. No. 2142, § I, 6-27-11)

10.20.060 Designation of individual parking spaces.

The manager, or his designee, shall designate and mark off such individual parking spaces as he or she deems proper along the streets and in the parking system for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

(Ord. No. 2142, § I, 6-27-11)

10.20.065 Installation and construction; control and maintenance of meters.

The manager, or his or her designee, shall place, install and remove parking meters upon the curb side or in the immediate vicinity of individual parking spaces designated and marked off in the parking system where parking is restricted. All such parking meters shall be under the management, supervision

and control of the city. The manager, or his or her designate, shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters.

(Ord. No. 2142, § I, 6-27-11)

10.20.070 Operation of meters.

Where a vehicle may be parked in an individual parking space and where a parking meter has been installed, the operator parking such vehicle shall deposit suitable coin or coins of United States money in the parking meter or equivalent electronic transfer as is required for that parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Such parking rates shall be shown on said parking meter or meters, or in the vicinity thereof, if such parking meter displays the legend showing that legal parking is only permitted on such deposit. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins or electronic transfer. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking space is located; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time.

(Ord. No. 2142, § I, 6-27-11)

10.20.075 Hours of operation.

The provisions of this [chapter] apply to vehicles parked or standing upon such streets and city owned or operated parking lots in the parking system between the hours of 8:00 a.m. and 5:00 p.m. on each day except Saturdays, Sundays and holidays and except where appropriate signs are posted upon the direction of the manager in the manner provided herein indicating extended hours of meter use beyond the hours prescribed above.

(Ord. No. 2142, § I, 6-27-11)

10.20.080 Collection of parking receipts.

The police chief shall designate some member or members of his or her department to make regular collections of the money deposited therein, the person so designated shall remove from the parking meters the coin box contained therein, placing it in a locked coin-collection cart provided for collection purposes and shall deliver such locked coin-collection cart to the counting room or bank designated by the city clerk, where the coin-collection cart will be unlocked, the coins contained therein counted, and deposited in the fund identified by the office of the clerk.

(Ord. No. 2142, § I, 6-27-11)

10.20.085 Off-street parking permits.

When official signs are erected, no person shall park a vehicle in a parking space designated for permit parking unless the vehicle displays a valid parking permit, in accordance with the requirements of section 10.20.090, issued by the office of the clerk.

(Ord. No. 2142, § I, 6-27-11)

10.20.090 Parking permit placement.

Each vehicle owner or operator issued parking permit is required to display the permit on the vehicle in compliance with placement and visibility requirements established by the office of the clerk. To be considered valid the entire permit must be clearly visible from the outside of the vehicle for enforcement purposes.

(Ord. No. 2142, § I, 6-27-11)

10.20.095 Parking system—Fees—Establishment.

The manager, or his designee, is directed and authorized to establish a system of fees to be charged the users of the Parking System, to include on-street and off-street parking lots, as well as the cost for each type of permit issued for the system. The manager is further directed to submit to the city council the proposed schedule of fees or future changes thereto, for adoption prior to their implementation.

(Ord. No. 2142, § I, 6-27-11)

10.20.100 Parking System—Fees—Methods of collection.

The manager, or his designee, is directed and authorized to establish a method or methods of collection of fees for the parking system, to include on-street and off-street parking lots in the city of Fort Dodge, and further directed to present to the city council such proposed methods, or changes thereto, for their approval prior to implementation.

(Ord. No. 2142, § I, 6-27-11)

10.20.105 Parking meter violations—Evidence.

Parking is prohibited in any parking space on a street or in any parking lot operated or owned by the City of Fort Dodge where a meter is installed and displays a signal showing that the parking is not permitted unless a deposit of such coin or coins of United States money or and electronic transfer is made as herein provided. Any vehicle parking in violation shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal on the parking meter of the same shows no parking permitted unless a deposit of a proper coin or electronic transfer is made as herein provided shall be deemed prima face evidence of the unlawful parking of such motor vehicle by its operator or owner.

(Ord. No. 2142, § I, 6-27-11)

10.20.110 Overtime parking; extending time.

It shall be unlawful and a violation of the provisions of this chapter for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any parking meter as described on the meter or to deposit in any parking meter any coin or electronic transfer for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone. A vehicle moved from the parking space may not be parked in that same parking space during the next consecutive eight-hour period even though the vehicle was parked for less than the maximum parking time limit.

(Ord. No. 2142, § I, 6-27-11)

10.20.115 Expired meter.

It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.

(Ord. No. 2142, § I, 6-27-11)

10.20.120 Separate offenses.

Each consecutive hour during one calendar day that a vehicle remains illegally parked as above provided shall be a separate and distinct offense under this chapter. The first offense shall terminate one hour after the time a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one hour period thereafter.

(Ord. No. 2142, § I, 6-27-11)

10.20.125 Deposit of slugs.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

(Ord. No. 2142, § I, 6-27-11)

10.20.130 Tampering with meters.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this chapter.

(Ord. No. 2142, § I, 6-27-11)

10.20.135 Parking for the physically handicapped.

- (1) The manager, or his or her designee, is hereby authorized to establish special parking places for on-street parking areas or off-street parking facilities for motor vehicles displaying special identification devices as specified by the Code of Iowa. Such devices shall be those issued by the department of transportation of the state and shall be displayed in a motor vehicle being used by an individual, either as operator or passenger, who is confined to a wheelchair or is otherwise so physically handicapped that he/she has significant difficulty or insecurity in walking. Such designated parking place shall be no less than twelve feet wide, except in the case of parallel parking spaces on public streets.
- (2) Any parking space located in on-street parking areas or off-street parking facilities, either public or private, intended to be a handicapped parking space shall be so designated by a separate sign showing the international symbol of accessibility for each parking space erected in accordance with the Uniform Traffic Control Device Manual.
- (3) The use of a space designated as a handicapped parking space by the display of the international symbol of accessibility located in on-street parking areas or off-street parking facilities, either public or private, by a motor vehicle not displaying a handicapped identification device, or by a motor vehicle displaying such a device but not being used by a handicapped person as operator or passenger is a misdemeanor for which a fine, as indicated in the Code of Iowa, may be imposed upon the owner, operator, or lessee of the motor vehicle.

(Ord. No. 2142, § I, 6-27-11)

10.20.140 Sections 10.20.010 through 10.20.085—Exemptions.

The provisions of Sections 10.20.010 through 10.20.085 shall not apply to emergency vehicles while they are conducting official business.

(Ord. No. 2142, § I, 6-27-11)

10.20.145 Commercial service vehicles—Parking time limit exemption.

All licensed commercial service vehicles shall be permitted to park in individual parking spaces in parking system in the city of Fort Dodge in excess of the time limits provided therefore when the parking of such vehicles is required or necessary to the services other than the delivery of goods, then being performed or operations then being carried on upon the adjacent premises, and when said vehicle has a valid commercial service vehicle permit.

(Ord. No. 2142, § I, 6-27-11)

10.20.150 Commercial service vehicles permit.

The owner of any commercial service vehicle wishing to park such vehicle pursuant to the provisions of Section 10.20.145 shall secure a permit therefore, and shall be given such permit upon filing application therefore with the office of the clerk, stating the name of the owner of such vehicle, the nature of the business for which such vehicle shall be used, and the payment of the permit fee therefore, as may be provided for from time to time by the city council. The permit issued therefore shall be transferable between vehicles, and shall be conspicuously displayed as described on the permit.

(Ord. No. 2142, § I, 6-27-11)

10.20.155 Ticketing and payment of parking violations.

- (1) In the event of a meter or non-meter parking violation, it shall be the duty of the police officers and parking technicians of this city to report:
 - (A) The parking violation or violations involved.
 - (B) In the event of a parking meter violation, the number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this chapter or another Fort Dodge City ordinance.
 - (C) The state license number of such vehicle or vehicle identification number (VIN) if no license is available.
 - (D) The time during which such vehicle is or was parked in violation of any of the provisions of this chapter, and the time the ticket was issued.
 - (E) Any other fact or facts, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- (2) Each officer or parking technician shall attach to such vehicle a notice to the owner or operator of that vehicle that their vehicle has been parked in violation of this chapter and instructing the owner or operator to report to the clerk's office in regard to such violation or to deposit the ticket with the amount designated on the ticket as a fine for the particular offense in one of the parking violation courtesy boxes located throughout the city.
- (3) Each owner or operator may within thirty days of the time of such notice was attached to the vehicle pay at the clerk's office or through the parking violation courtesy boxes, a penalty of fifteen dollars for the first violation cited and five dollars for each subsequent violation cited at the same parking stall in the same calendar day. In the event a violation is not paid by five p.m. of the thirtieth calendar day

following the offense, the owner or operator shall then pay the sum of twenty dollars for each offense. In addition, if payment is not made within said required period, the owner or operator, or an officer of a corporation owning such rented or leased vehicle, or any owner of such rented or leased vehicle shall be subject to arrest and citation before the Iowa District Court upon the filing of an information, and to the misdemeanor penalties, plus court costs, provided for the violation of the provisions of this chapter. The total penalties for all offenses at one parking space in one calendar day by the same person shall not exceed the maximum misdemeanor penalty of a fine not exceeding five hundred dollars or imprisonment not exceeding thirty days.

- (4) The various locations of the parking violation boxes shall be established by the manager upon resolution of the city council of the City of Fort Dodge.

(Ord. No. 2142, § I, 6-27-11)

10.20.160 Appealing a parking citation.

A vehicle owner or operator who has been issued a parking ticket may contest the citation by submitting a form specified by the city indicating a request for an administrative hearing. The form shall be available at the office of the city clerk. The hearing will be held at the Fort Dodge police department before an administrative hearing officer. Such a request must be filed within ten days from the date offense. After reviewing the available information, the hearing officer shall either uphold or dismiss the parking citation. Written notification of the decision shall be mailed within ten business days after the hearing to the address provided on the appeal form. The notification will include a due date for any fine imposed as well as instructions on how to request relief in magistrate court.

(Ord. No. 2142, § I, 6-27-11)

10.20.165 Removing vehicles from streets—Authority.

Officers of the police department may remove or direct the removal of a vehicle from a street or other public property to a facility designated by the city, under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge or viaduct where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a street or alley is so disabled as to constitute an obstruction to traffic and there is no person in charge thereof or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is left unattended upon a street or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (4) When a vehicle is parked and left unattended upon a street in violation of this chapter, Chapter 10.52 of this title or another ordinance of the city of Fort Dodge.
- (5) When a vehicle is parked so as to interfere with street construction, repair, cleaning, maintenance, the prompt and orderly removal of snow and/or ice, or so as to interfere with utility construction or maintenance or streets or portion of streets approved by the city engineering department for temporary "Emergency No Parking—Tow Away Zone" for the purpose of public safety. Temporary No Parking signs shall be posted for twelve hours prior to said activities.
- (6) When a vehicle is parked on a street for more than twenty-four hours.
- (7) When a vehicle is parked in any parking lot owned or operated by the city for more than twenty-four hours.
- (8) When a vehicle is parked in an officially marked bus or taxi stop.
- (9) When a vehicle is abandoned. "Abandoned vehicle" means any of the following:

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- (A) A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable, or
- (B) A vehicle that has remained illegally on public property for more than twenty-four hours, or
- (C) A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, the police department may declare the vehicle abandoned within the ten-day period by commencing the notification process described in this [chapter].

(Ord. No. 2142, § I, 6-27-11)

10.20.170 Notification of owner, lien holders, and other claimants.

- (1) A police authority or private entity which takes into custody an abandoned vehicle shall notify, within twenty days, by certified mail, the last known registered owner of the vehicle, all lien holders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and vehicle identification number (VIN) of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody plus the costs of notice required pursuant to this subsection plus any administrative fee imposed pursuant to Section [10.20.215] of this chapter. The notice shall also state that the failure of the owner, lien holders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lien holders, and all claimants of all right, title, claim and interest in the vehicle or personal property, and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lien holders, and claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lien holders, or claimants after the expiration of the ten-day reclaiming period.
- (2) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lien holders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in subsection (1) of this section.
- (3) The owner, lien holders, or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the ten-day reclaiming period, obtain an additional five days within which the vehicle or personal property may be reclaimed.

(Ord. No. 2142, § I, 6-27-11)

10.20.175 Auction of abandoned vehicles.

- (1) If an abandoned vehicle has not been reclaimed as provided for in Section 10.20.170 of this chapter, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity, which has taken into possession any abandoned vehicle which lacks an engine, two or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than five hundred dollars as determined by the police authority or private entity, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures enumerated in Section 10.20.170 of this chapter. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within fifteen days of purchase and shall surrender the sales receipt in lieu of the certificate of title.
- (2) From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to Section 10.20.170 of this chapter, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety days, and shall then be deposited in the fund identified by the office of the clerk. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the fund identified by the office of the clerk and are the obligation of the last owner or owners, jointly and severally.
- (3) The clerk shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund identified by the office of the clerk. If a private entity has been hired, the police authority may file a claim with the clerk for reimbursement of towing fees which shall be paid from the fund identified by the office of the clerk.

(Ord. No. 2142, § I, 6-27-11)

10.20.180 Disposal to demolisher.

- (1) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed and is thereby unable to transfer title to the motor vehicle, may apply to the police authority of the jurisdiction in which the motor vehicle is situated for authority to sell, give away, or otherwise dispose of the motor vehicle to a demolisher.
- (2) The application shall set out the name and address of the applicant, and the year, make, model, and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or a statement that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. An order for disposal obtained pursuant to Section 555B.8, subsection 3, Code of Iowa, satisfies the application requirements of this paragraph.
- (3) If the police authority finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant, or if it shows that the motor vehicle

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is not abandoned but that the applicant appears to be the rightful owner, the police authority shall follow appropriate notification procedures as set forth in Section 10.20.170 of this chapter, except that in the case of an order for disposal obtained pursuant to Section 555B.8, subsection 3, Code of Iowa, no notification is required.

- (4) If the abandoned motor vehicle is not reclaimed in accordance with Section 10.20.170 of this chapter, or no lien holder objects to the disposal in the case of an owner-applicant, the police authority shall give the applicant a certificate of authority allowing the applicant to obtain a junking certificate for the motor vehicle. The applicant shall make application for a junking certificate to the county treasurer within fifteen days of purchase and surrender the certificate of authority in lieu of the certificate of title. The demolisher shall accept the junking certificate in lieu of the certificate of title to the motor vehicle.
- (5) Notwithstanding any other provisions of this section any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk without a title and without the notification procedures of Section 10.20.170 of this chapter, if the motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The owner shall apply to the county treasurer for a junking certificate within fifteen days of purchase and shall surrender the certificate of authority in lieu of the certificate of title.
- (6) The owner of an abandoned motor vehicle and all lien holders shall no longer have any right, title, claim, or interest in or to the motor vehicle; and no court in any case in law or equity shall recognize any right, title, claim, or interest of any owner or lien holders after the disposal of the motor vehicle to a demolisher.
- (7) Any proceeds from the sale of an abandoned motor vehicle to a demolisher under this section, by one other than the owner of the vehicle, except the sale of a vehicle pursuant to an order for disposal obtained pursuant to Section 10.20.170 of this chapter, shall first be applied to that person's expenses in effecting the sale, including storage, towing, and disposal charges, and any surplus shall be distributed in accordance with Section 10.20.175 of this chapter. The proceeds from the sale of a vehicle disposed of pursuant to Section 555B.8, subsection 3, Code of Iowa, shall be distributed in accordance with Section 555B.9, Code of Iowa.

(Ord. No. 2142, § I, 6-27-11)

10.20.185 Duties of demolishers.

- (1) Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.
- (2) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police authority at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

(Ord. No. 2142, § I, 6-27-11)

10.20.190 Liability for damages.

No person, firm, corporation, unit of government, garage keeper, or police authority upon whose property an abandoned motor vehicle is found or who disposes of such abandoned vehicle in accordance

with this section shall be liable for damages by reason of the removal, sale, or disposal of such motor vehicle.

(Ord. No. 2142, § I, 6-27-11)

10.20.195 Stolen vehicles.

Whenever any motor vehicle is seized under Section 321.84, Code of Iowa, or whenever any motor vehicle is stolen or embezzled, and is not claimed by the owner before the date on which the person charged with the stealing or embezzling of same is convicted, then the officer having the motor vehicle in his custody must, on such date by certified mail, notify the motor vehicle department under commissioner of public safety that he has such a motor vehicle in his possession, giving a full and complete description of same, including all marks of identification, factory and serial numbers.

(Ord. No. 2142, § I, 6-27-11)

10.20.200 Failure of owner to claim.

If the owner does not appear within 40 days, the motor vehicle shall be deemed abandoned and the officer having possession of the motor vehicle shall proceed as provided in Sections 10.20.170 and 10.20.175 of this chapter.

(Ord. No. 2142, § I, 6-27-11)

10.20.205 Bids on towing.

- (1) The city council shall take bids from private operators for schedules of fees for towing and storage of vehicles as provided in this chapter upon such terms and conditions as it may prescribe. Thereupon, the city council, after receiving and reviewing said bids, may accept the bid which in its judgment is the most advantageous to the city and in the best interest of the public, and shall thereupon designate the bidder submitting the successful bid to tow and store such vehicles. The appropriate department head or his authorized representative is hereby empowered to order the bidder designated by the city council to tow and store such vehicles as may be necessary and authorized under this section until disposed of as provided in this chapter. Such bidder is hereby authorized to retain such vehicle until the fees, as set out in the bid for towing and storage, shall be paid.
- (2) The city council shall have the right to waive irregularity in any bids, to reject any and all bids received and to re-advertise if desired.

(Ord. No. 2142, § I, 6-27-11)

10.20.210 Abandoned vehicle—Penalty.

Any person who abandons a motor vehicle shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than one hundred dollars or be imprisoned for not more than thirty days. Each day a violation occurs shall constitute a separate offense.

(Ord. No. 2142, § I, 6-27-11)

10.20.215 Administrative fee for towing.

In addition to any penalty provided by law, the city may impose an administrative fee for each instance of towing pursuant to this section. The fee imposed shall be in an amount set by the city manager, and except as otherwise provided in Section 10.20.175 of this chapter, must be paid prior to the vehicle being released from the city's custody.

(Ord. No. 2142, § I, 6-27-11)

10.20.220 Towing and impoundment for accumulated parking violations.

Any vehicle, standing, stopped or parked on a public street or a parking lot owned or operated by the city, which has accumulated five or more unpaid tickets under any sections of this code which regulate the stopping, standing or parking of vehicles may be towed and impounded as provided herein.

(Ord. No. 2142, § I, 6-27-11)

10.20.225 Pre-seizure notice and hearing.

- (1) Towing and impoundment shall occur only after notice and opportunity for an administrative hearing is offered to the registered owner of such motor vehicle and all lien holders of record shown on the vehicle's certificate of title. Notice shall be sent via certified mail to the registered owner at the address shown on the owner's vehicle registration and to any lien holder at the address shown on the vehicle's certificate of title. The notice shall state the license number of the vehicle at issue, a brief description of the tickets issued to such vehicle, that there is a right to request an administrative hearing before towing and impoundment provided such request is made within ten calendar days of the mailing date of the notice, that failure to request a hearing within ten calendar days or failure to appear for a requested hearing waives the opportunity for hearing, and that the registered owner shall be responsible for all charges and costs incurred and any fine imposed for towing and impoundment of the vehicle in addition to charges for unpaid tickets.
- (2) A pre-seizure hearing held pursuant to a request shall be conducted before the city council's designee and shall be limited to whether the vehicle is subject to towing and impounding for unpaid tickets under Section 10.20.220 of this chapter.
- (3) If after the pre-seizure hearing the city council's designee determines that the vehicle is subject to towing and impounding, the designee shall notify the registered owner either orally at the conclusion of the hearing or by letter of such decision. Written notice need not be given if the registered owner fails to appear for the hearing.

(Ord. No. 2142, § I, 6-27-11)

10.20.230 Notice of impoundment.

When a vehicle has been impounded pursuant to this section, a notice of impoundment shall be sent via certified mail to the registered owner at the address shown on the owner's vehicle registration and to any lien holder at the address shown on the vehicle's certificate of title within seventy-two hours of the impoundment, excluding Saturdays, Sundays and holidays. Notice of impoundment personally presented within said period to the registered owner, lien holder or other person entitled to possession shall satisfy the mailing requirement.

(Ord. No. 2142, § I, 6-27-11)

10.20.235 Post-seizure hearing.

- (1) The registered owner, lien holder of record, or other person entitled to possession of a vehicle impounded pursuant to this section may request a post-seizure hearing by filing a written request with the office of the clerk within twenty-one calendar days after impoundment. Failure to file a written request within twenty-one calendar days after impoundment shall waive the right to a post-seizure hearing.
- (2) The post-seizure hearing shall be held before the designated hearing officer within a reasonable period of time, but not to exceed 20 calendar days, from the date of receipt of the written request.

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- (3) The hearing officer shall consider all relevant information offered by witnesses, including the person challenging the impoundment, and shall set forth findings as to the objection and grounds for challenge.
- (4) The sole issue before the hearing officer shall be whether the vehicle was subject to towing and impounding for unpaid tickets under Section 10.20.220 of this chapter. The department causing the vehicle to be impounded shall carry the burden of establishing that the vehicle was subject to towing and impounding. The city hearing officer shall decide only that either (a) the vehicle was subject to towing and impounding or (b) the vehicle was not subject to towing and impounding.
- (5) In the event the hearing officer determines the vehicle was subject to towing and impounding, the registered owner, lien holder of record or other person entitled to possession of the vehicle is responsible for payment of all charges attributable to the impoundment and storage of the vehicle in addition to charges for unpaid tickets. If the hearing officer determines the vehicle was not subject to towing and impounding and the vehicle was not redeemed prior to the hearing, the designee shall prepare a vehicle release form stating that the vehicle was not subject to towing and impounding and all costs of towing and impoundment accruing through the fourth calendar day after the hearing officer's decision shall be paid by the city. All costs accruing after the fourth calendar day after the designee's decision shall be paid by the person challenging the towing or impoundment prior to the vehicle's release from impoundment. If the designee determines the vehicle was not subject to towing and impounding and the vehicle was redeemed prior to the hearing, the bond filed or charges paid shall be refunded.
- (6) If the owner, lien holder or other person entitled to possession of the vehicle does not appear for the hearing, the hearing shall be held in the owner's, lien holder's or other person's absence and the hearing officer shall determine whether the vehicle was subject to towing and impoundment.

(Ord. No. 2142, § I, 6-27-11)

10.20.240 Right of owner to redeem impounded vehicle.

- (1) The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this section may redeem the impounded vehicle prior to the post-seizure hearing by:
 - (A) Paying all delinquent parking tickets; and
 - (B) Presenting the city's towing service with a vehicle release form and paying the towing service for all costs of towing and impoundment.
- (2) If a hearing pursuant to Section 10.20.235 of this chapter was held and the city council's designee determined there was probable cause to impound the vehicle, the registered owner or person having legal entitlement to the impounded vehicle may redeem the vehicle by fulfilling the requirements set forth in subsection (1) above.
- (3) If a hearing pursuant to Section 10.20.235 of this chapter was held and the city council's designee determined that the vehicle was not subject to towing and impounding, the registered owner or person having legal entitlement to the impounded vehicle may redeem the vehicle by presenting the towing service with the vehicle release form stating that the vehicle was not subject to towing and impounding.

(Ord. No. 2142, § I, 6-27-11)

10.20.245 Forfeiture.

- (1) The registered owner or other person entitled to possession of an impounded vehicle shall reclaim the vehicle within twenty-one calendar days after:

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- (A) The notice of impoundment is mailed unless the owner or other person entitled to possession of the impounded vehicle requests a post-seizure hearing pursuant to Section 10.20.235 of this chapter;
 - (B) The receipt of a decision from a hearing held pursuant to Section 10.20.235 of this chapter; or
 - (C) Receipt of a vehicle release form from the city.
- (2) If the registered owner or other person entitled to possession of the impounded vehicle does not exercise the right to reclaim an impounded vehicle within the twenty-one calendar day reclaiming period, such person will be deemed to have waived any right, title, claim or interest in or to the vehicle and the unclaimed vehicle shall be deemed an abandoned vehicle and be subject to the provisions of Section 10.20.165 of this chapter regarding the disposition of abandoned vehicles.
- (3) Prior to the expiration of the twenty-one calendar day reclaiming period, the registered owner or other person entitled to possession of the impounded vehicle may obtain an additional period of up to fourteen calendar days to reclaim the vehicle upon written request and payment of additional storage charges.

(Ord. No. 2142, § I, 6-27-11)

10.20.250 No parking zones—Established.

For the protection of the public and the regulation of traffic in the city of Fort Dodge, Iowa, it shall be the duty of the engineering department to establish "no parking" zones to designate, as hereinafter provided, certain parts or places in the public streets and avenues of said city where vehicles shall not be parked.

(Ord. No. 2142, § I, 6-27-11)

10.20.255 "No parking" signs, designation and violation.

- (1) "No parking" signs may be installed, modified or changed to different locations on said streets and avenues as such change is made necessary for the regulation of traffic and the protection of the public in the use of such streets and avenues.
- (2) Each no parking zone shall be plainly designated by a sign containing the words "No Parking" and may also be marked by painting or marking the street curb at such point so as to designate the zone within which vehicles shall not be parked.
- (3) It is unlawful to park any vehicle within the zone so fixed and designated. No vehicle shall be parked within any portion of the particular zone.

(Ord. No. 2142, § I, 6-27-11)

FOOTNOTE(S):

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Editor's note— Ord. No. 2142, § I, adopted June 27, 2011, repealed the former Ch. 10.20, §§ 10.20.010—10.20.400, and enacted a new Ch. 10.20 as set out herein. The former Ch. 10.20 pertained to stopping, standing and parking and derived from Ord. 718 §§ 1—3; Ord. 750 §§ 24—30, §§ 32—34; Ord. 822 §§ 1, 2, 1935; Ord. 823 § 1; Ord. 932 §§ 1, 2; Ord. 934 § 6; Ord. 1030 §§ 1, 2; Ord. 1150, § 3,

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§§ 6, 7; Ord. 1521 §§ 2—5, 1980; Ord. 1537 §§ 2—5, § 7, 1980; Ord. 1538 §§ 2—4, 1980; Ord. 1587 § 3 (part), 1982; Ord. 1696 § 2A (part), 1986; Ord. 1697 §§ 2A, 2B (part), 1986; Ord. 1732 § 2, 1988; Ord. 2045 § 2 (part), 2005. For a complete derivation, see the Ordinance List and Code Comparative Table at the end of this volume. In addition, § III of Ord. No. 2142 states that: "Any person in violation of the provision[s] hereof shall be subject to the penalties provided by Ordinance 1999 Section II (Section 1.20.020 FDMC)." ([Back](#))

State Law reference— For the statutory provisions relating to stopping, standing and parking, see ICA 321.354—321.361; for provisions relating to the power of local authorities to regulate the standing or parking of vehicles, see ICA 321.236; for provisions regarding parking meters, see ICA 390.7, 390.8 and 390.12. ([Back](#))

Chapter 10.24 OPERATION OF VEHICLES—LAWS OF THE ROAD*

Sections:

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[10.24.040 Emerging from alley or private driveway.](#)

[10.24.050 Vehicles shall not be driven on sidewalk area.](#)

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[10.24.250 Driving in certain alleys prohibited.](#)

[10.24.260 Safety belts and harness.](#)

10.24.010 Drive on right side of street.

Upon all streets, the operator of a vehicle shall drive the same upon the right half of the street and the operator of a slow moving vehicle shall drive the same as close as possible to the right-hand edge or curb of the street unless it is impracticable to travel on such side of the street, and except when overtaking and passing another vehicle subject to the limitations applicable by law in overtaking and passing.

(Ord. 750 § 35).

10.24.020 Turning at intersection.

- (a) **Turning Right.** The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway should approach the point of turning in the traffic lane nearest the right hand edge of curb of the street, and in turning, shall keep as close as practicable to the right hand curb or edge of the street.
- (b) **Turning Left.** The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning in the lane for traffic to the right of and next to the center of the roadway, and the operator of a vehicle turning left at an intersection shall pass to the left of the center of the intersection before turning. Turning left from Central Avenue into Ninth Street is prohibited.
- (c) **U Turn.** The operator of a vehicle is prohibited from making a U turn on any street.

10.24.030 Limitations on turning around.

It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing or otherwise interfering with other traffic, and such turns shall be made at intersections only, except as provided in Section 10.24.020(c).

(Ord. 750 § 37).

10.24.040 Emerging from alley or private driveway.

The operator of a vehicle emerging from an alley, filling station, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

(Ord. 750 § 38).

10.24.050 Vehicles shall not be driven on sidewalk area.

The operator of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(Ord. 750 § 39).

10.24.060 Operation of vehicles on approach of authorized emergency vehicle.

Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and

shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer.

(Ord. 750 § 40).

10.24.070 Following fire apparatus prohibited.

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than one city block any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Ord. 750 § 41).

10.24.080 Crossing fire hose.

No motor bus or vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire marshal or fire department official in command.

(Ord. 750 § 42).

10.24.090 Passing at intersections.

It shall be unlawful for the operator of any vehicle to overtake and pass another vehicle at a street intersection.

(Ord. 750 § 44).

10.24.100 Careful and prudent speed.

Any person driving a motor vehicle on any street or highway in the city of Fort Dodge, Iowa, shall drive the same at a careful and prudent speed not greater nor less than is reasonable and proper, having due regard for the traffic, surface and width of said street or highway, and of any other condition then existing, and no person shall drive any vehicle on a public street or highway in the city at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

(Ord. 1935 § 2, 1999).

10.24.110 Adoption of speed limits.

The following maximum speed limits are hereby established in the city of Fort Dodge, Iowa:

- (1) 20 miles per hour in a business district;
- (2) 25 miles per hour in a school district;
- (3) 25 miles per hour in a residence district;
- (4) 35 miles per hour in any suburban district;
- (5) On Highway No. U.S. 169:
 - (A) From Business 20 (#926), to 470 feet north of Avenue "O," 40 miles per hour,
 - (B) From 470 feet north of Avenue "O" to 1,420 feet north of Avenue "G," 50 miles per hour,
 - (C) From 1,420 feet north of Avenue "G" to the north City Limits, 55 miles per hour;
- (6) On Business 20 (5th Avenue South):

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- (A) From U.S. Highway #169 to 900 feet southwest of Eighth Street, 45 miles per hour,
 - (B) From 900 feet southwest of Eighth Street, to the east end of Herring Viaduct, 35 miles per hour,
 - (C) From the east end of Herring Viaduct to 100 feet east of 12th Street, 30 miles per hour,
 - (D) From 100 feet east of 12th Street to 100 feet east of Midway Blvd., 35 miles per hour,
 - (E) From one hundred feet east of Midway Blvd. to the City Limits, forty-five miles per hour;
- (7) On Highway Business #169 (926):
- (A) From Kenyon Road to Second Avenue South, 30 miles per hour,
 - (B) From Eighth Street to Third Street, 30 miles per hour,
 - (C) From Third Street to a point 50 feet west of Third Street on Karl King Bridge, 30 miles per hour,
 - (D) From a point on Karl King bridge 50 feet west of Third Street to a point 950 feet west of Third Street, 40 miles per hour,
 - (E) From a point on Karl King Bridge 950 feet west of Third Street to the US #169 ramp terminals, 50 miles per hour;
- (8) On North Fifteenth Street:
- (A) From Business 20 (5th Avenue South) to Ninth Avenue North, 30 miles per hour,
 - (B) From Ninth Avenue North to 200 feet north of 28th Avenue North, 35 miles per hour,
 - (C) From 200 feet north of Twenty-eighth Avenue North to the North City Limits, 45 miles per hour;
- (9) On Williams Drive:
- (A) From Eighth Avenue North to Thirteenth Avenue North, 35 miles per hour;
- (10) On Thirty-second Street:
- (A) From Twenty-fifth Avenue North to North City Limits, 45 miles per hour;
- (11) On First Avenue South:
- (A) From 15th Street east to 32nd Street; 25 miles per hour;
- (12) On 25th Street:
- (A) From 5th Avenue South to 2nd Avenue North, 25 miles per hour;
- (13) On Tenth Avenue North:
- (A) From 100 feet east of the north leg of North 32nd Street to the East City Limits, 35 miles per hour;
- (14) On 27th Street:
- (A) From First Avenue South to 2nd Avenue North, 25 miles per hour;
- (15) On 29th Street:
- (A) From 5th Avenue South to Second Avenue North, 25 miles per hour;
- (16) On 3rd Avenue N.W.:
- (A) From 5th Street N.W., West to the City Limits, 35 miles per hour;
- (17) On Hawkeye Avenue:
- (A) From 50 feet west of 7th Avenue North to 5th Street N.W., 30 miles per hour.

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(Ord. 2068 § 2, 2006; Ord. 1935 § 3, 1999).

10.24.120 Districts.

- (a) "Residence district" as the term is used in this chapter means the territory contiguous to a street or highway not comprising a business district or school district where forty percent or more of the frontage on such street or highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.
- (b) "Business district" as used in this chapter means the territory contiguous to a street or highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
- (c) "School district" means the territory contiguous to a street or highway for a distance of two hundred feet in either direction from a school house.
- (d) "Suburban district" as used in this chapter means all other parts of the city of Fort Dodge, Iowa, not included in the business, school, or residential districts.

(Ord. 1935 § 4, 1999).

10.24.140 Driving school bus.

The driver of any school bus used to transport children to or from a public or private school shall, when receiving or discharging pupils, turn on the flashing warning signal lights at a distance of not more or less than three hundred feet from the point where said pupils are to be received or discharged from the bus. At this point the driver of the bus shall bring the bus to a stop and extend a stoparm. After receiving or discharging pupils, the driver shall turn off the flashing stop warning lights, retract the stoparm, and then proceed on the route. No stop shall be made unless there is three hundred feet of clear vision in each direction. A school bus operating on a street designated as a state or federal highway, shall not stop to load or unload pupils who must cross the highway except at designated stops where pupils who must cross the highway, may do so at points where there are official traffic control devices.

(Ord. 1290 § 1).

10.24.150 Leaving school bus.

All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street only on signal from the bus driver.

(Ord. 1290 § 2).

10.24.160 Meeting or overtaking school bus.

The driver of any vehicle when meeting a school bus on which the stop warning signal lights are flashing, shall reduce the speed of said vehicle to not more than twenty miles per hour, and shall bring said vehicle to a complete stop when the bus stop and stop signal arm is extended and said vehicle shall remain stopped until the stoparm is retracted after which the driver may proceed with due caution.

The driver of any vehicle overtaking a school bus shall not pass the bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it has stopped, and stoparm is extended, and shall remain stopped until the stoparm is retracted and school bus resumes motion, or until signalled by the driver to proceed.

(Ord. 1290 § 3).

10.24.170 School bus regulations—Application to districts.

Terms of Sections 10.24.140 through 10.24.160 shall apply to all residence and business districts as well as all suburban districts, regardless of the speed limits imposed in said district.

(Ord. 1290 § 4).

10.24.180 Wrong way on one-way street.

On any street designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

(Ord. 1339 § 1).

10.24.190 Drivers license requirement.

No person except those exempt under the state statute, Section 321.176 of the 1971 Code of Iowa, shall drive any motor vehicle upon the streets of Fort Dodge, Iowa, unless such person has a valid license as an operator or chauffeur issued by the Iowa Department of Public Safety. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

(Ord. 1339 § 2).

10.24.200 Sudden stop.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is an opportunity to give such a signal.

(Ord. 1339 § 3).

10.24.210 Entering a stop or yield intersection.

The driver of a vehicle shall likewise stop or yield in obedience to a stop or yield sign at an intersection here a stop or yield sign is erected and shall proceed cautiously yielding to vehicles not so obliged to stop or yield which are within the intersection or approaching so close as to constitute a hazard but may then proceed. The driver of a vehicle approaching any yield sign in obedience to such sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute a hazard. Driver having so yielded may proceed with caution.

(Ord. 1339 § 4).

10.24.220 Failing to leave information at the scene of an accident.

The driver of any vehicle involved in an accident with another vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to and in every event remain at the scene of the accident until he has exchanged identification information with the other driver.

The driver of any vehicle which collides with any vehicle that is unattended shall immediately stop and shall then and there locate and notify the owner or operator of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place

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in the vehicle struck, a written notice giving the name and address of the driver and the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(Ord. 1339 § 5).

10.24.230 Improper lane change.

A vehicle shall be driven as near as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(Ord. 1339 § 6).

10.24.240 Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not properly licensed under the laws of the state of Iowa.

(Ord. 1339 § 7).

10.24.250 Driving in certain alleys prohibited.

It is unlawful for any motor vehicle to use the alleys between Central Avenue—First Avenue North and Central Avenue—First Avenue South between Twelfth Street and Third Street for any purpose other than delivery of cargo or merchandise or pickup of cargo or merchandise. It is unlawful to drive in such alleys for purposes of a short cut or turn around for any intent to avoid traffic signals on principal streets.

(Ord. 1339 § 8).

10.24.260 Safety belts and harness.

No person shall operate a motor vehicle in the city of Fort Dodge, Iowa in violation of Section 321.445 of the Code of Iowa, "Safety belts and safety harness use required."

(Ord. 2006 § 2, 2003).

Chapter 10.28 HEAVY TRAFFIC AND TRUCK ROUTES*

Sections:

[10.28.010 Defining.](#)

[10.28.020 Routes—Designated—Use required when—Procedure.](#)

[10.28.030 Routes—Sign posting required.](#)

[10.28.040 Exceptions.](#)

[10.28.050 Regulating loading and unloading.](#)

[10.28.060 Posting restrictions.](#)

10.28.010 Defining.

This chapter applies to any truck, trailer, semitrailer, tractor, truck tractor, road tractor, special mobile equipment or other vehicles, which together with the load or burden thereon shall have a gross maximum weight in excess of ten thousand pounds.

(Ord. 1409 § 1, 1975).

10.28.020 Routes—Designated—Use required when—Procedure.

The following named streets and public highways within the termini designated inside the corporate limits of the city are established and designated as city motor vehicle and motor truck routes for all such vehicles having their point of origin or destination, the pickup point or delivery point within the corporate limits of the city of Fort Dodge. It is unlawful for any person to operate or for any partnership, firm, corporation or individual to cause to be operated any such vehicles as described in this chapter or to drive or cause the same to be driven upon or over any other public streets or highways in the city of Fort Dodge, Iowa, except upon the streets and highways following:

Fifteenth Avenue South, from Twenty-second Street, east to the city limits;

Fifth Avenue South, from Twelfth Street to the east city limits;

Kenyon Road, from Twelfth Street to the southwest city limits;

Second Avenue South—Karl King Viaduct, from Eighth Street West to the U.S. Highway 169, Iowa Highway No. 7 Interchange;

Central Avenue, from Fifteenth Street to Twenty-first Street;

Second Avenue North, from Twenty-first Street to Thirty-second Street;

Fifth Avenue North, from Third Street to Hawkeye Avenue;

Hawkeye Avenue, from Fifth Avenue North, west to the west city limits;

Tenth Avenue North, from Thirty-second Street, east to the east city limits;

Thirty-second Street, from Fifth Avenue South, north to the north city limits;

Thirty-second Street, from Fifth Avenue South, south to the south city limits;

Twenty-first Street, from Fifth Avenue South, to Second Avenue North;

Fifteenth Street, from Fifth Avenue South, north to the north city limits;

Eighth Street, from Second Avenue South, to Kenyon Road;

Third Street, from Second Avenue South, to Fifth Avenue North and the U.S. Highway 169 from the south city limits to the north city limits;

Twenty-second Street, from Fifth Avenue South, south to the south city limits.

No person operating or in charge of the operation of any vehicle as described in Section 10.28.010 of this chapter shall deviate from such routes as above set out, except as they may have delivery points or pickup points off the above-described routes. In this case, they shall drive upon such described routes until they have reached a point closest to, and most accessible to, their ultimate pickup points, or delivery points. Upon reaching the point on the routes closest and most accessible to the ultimate pickup points or delivery points, they may thence proceed from such point to the place of pickup or delivery, at the off-route point. They shall thereafter return to the designated city route in the same manner and they may also use any such streets or highways designated as through-routes in going to and from their pickup points or destination points. They may make a series of pickups or deliveries without returning to the designated route; provided, however, they must proceed between such points when possible on the routes established above or upon through-routes and return at the completion of the series to the above-established routes at the closest possible point.

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(Ord. 2008 § 1, 2003; Ord. 1519 § 1, 1979; Ord. 1413 § 1, 1975; Ord. 1409 § 2, 1975).

10.28.030 Routes—Sign posting required.

It shall be the duty of the chief of police to cause necessary and appropriate signs to be posted along such streets and highways informing the general public of such restrictions and designating the streets listed above as city truck routes.

(Ord. 1409 § 3, 1975).

10.28.040 Exceptions.

This chapter shall not apply to any motor vehicle operated under any public franchise granted by the city nor to the operation of school buses.

(Ord. 1409 § 5, 1975).

10.28.050 Regulating loading and unloading.

No person shall stop, stand or park any vehicle for the purpose of unloading and delivering or picking up and loading of any articles, freight or materials of any kind during the hours of 4 p.m. to 6 p.m., upon any of the streets within the boundary of the downtown area of the city of Fort Dodge, Iowa, not including alleys, delineated herein, to wit:

Commencing at the northwest corner of the intersection of First Avenue North and North Third Street; then easterly along the north curb line of First Avenue North to the northeast corner of the intersection of First Avenue North and Twelfth Street; thence southerly along the east curb line of Twelfth Street to the southeast corner of the intersection of First Avenue South and Twelfth Street; thence westerly along the south curb line of First Avenue South to the southwest corner of the intersection of First Avenue South and Third Street; thence northerly along the west curb line of Third Street to the northwest corner of the intersection of First Avenue North and North Third Street, the point of beginning.

All drivers or operators of semitrailers, as defined by Section 321.1, subsection 10 of the Code of Iowa for 1950, are hereby prohibited from loading or unloading at street curbs during the hours of 6 a.m. to 6 p.m. on the following designated streets:

First Avenue North from Third Street to Twelfth Street;
Central Avenue from Third Street to Twelfth Street;
First Avenue South from Third Street to Twelfth Street;
Third Street from First Avenue South to First Avenue North;
Fourth Street from First Avenue South to First Avenue North;
Fifth Street from First Avenue South to First Avenue North;
Sixth Street from First Avenue South to First Avenue North;
Seventh Street from First Avenue South to First Avenue North;
Eighth Street from First Avenue South to First Avenue North;
Ninth Street from First Avenue South to First Avenue North;
Tenth Street from First Avenue South to First Avenue North;
Eleventh Street from First Avenue South to First Avenue North;
Twelfth Street from First Avenue South to First Avenue North.

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Drivers and operators of semitrailers, as defined by Section 321.1 subsection 10, Code of Iowa for 1950, are hereby permitted and authorized to make deliveries and pickups of articles freight or merchandise at any time in the alleys as follows:

The alley between First Avenue South and Central from South Third Street to South Twelfth Street;

The alley between First Avenue North and Central Avenue from North Third Street to North Twelfth Street.

No such semitrailer or other truck or vehicle shall remain parked and are herewith prohibited and forbidden from remaining parked in the said alleys described for any purpose whatever including that of making delivery or pickup of freight for a period of time in excess of forty minutes. No passenger car shall at any time stand or be parked in the alleys described.

(Ord. 1078 § 1).

10.28.060 Posting restrictions.

It shall be the duty of the chief of police to cause necessary and appropriate signs to be posted along the streets and alleys described herein informing the general public of the restrictions set out herein.

(Ord. 1078 § 2).

Chapter 10.32 DRIVING CONDUCT AND PRACTICES

Sections:

[10.32.010 Lights.](#)

[10.32.020 Motor vehicles left unattended, brakes to be set and engine stopped.](#)

[10.32.030 Use of coasters, roller skates, and similar devices restricted.](#)

[10.32.040 Clinging to moving vehicles.](#)

[10.32.050 Unlawful to drive through processions unless directed by traffic control signals or by a police officer.](#)

[10.32.060 Limitations on backing.](#)

[10.32.070 Obstruction to operator's view or driving mechanism.](#)

[10.32.080 Throwing glass on street.](#)

[10.32.090 Riding on handle bars prohibited.](#)

[10.32.100 Reckless driving.](#)

[10.32.105 Violation.](#)

[10.32.110 Meeting vehicles.](#)

[10.32.120 Overtaking and passing vehicle.](#)

[10.32.130 Operator to give way to overtaking vehicle.](#)

[10.32.140 Duty to report accidents.](#)

[10.32.150 Signals starting from curb.](#)

[10.32.160 Flag or light at end of load.](#)

[10.32.170 Horns and warning devices.](#)

[10.32.180 Prevention of noise, smoke, etc.—Muffler cutouts regulated.](#)

[10.32.190 Brakes.](#)

[10.32.200 Motor vehicle—Must be equipped with body and doors.](#)

10.32.010 Lights.

- (a) **Headlights.** All vehicles in motion between the period from one-half hour after sunset to one-half hour before sunrise shall carry at least two white lights, or tinted lights, other than red or green, on the forward part of said vehicle, which lights shall not throw a beam that shall make it difficult or unsafe for other users of the highway whether driving or walking thereon.
- (b) **Tail Lights.** All motor vehicles when in use shall display on the rear a lamp so constructed and placed as to show a red light from the rear and throw a white light directed upon the rear registration number and render the numerals thereon visible for at least fifty (50) feet in the direction from which vehicle is proceeding.
- (c) **Lights on Trailer.** The provisions as to the rear light shall also apply to vehicles which are trailed or towed by other motor vehicles.

(Ord. 750 § 45).

10.32.020 Motor vehicles left unattended, brakes to be set and engine stopped.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting brakes thereon and stopping the motor of said vehicle, and, when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the highway.

(Ord. 750 § 46).

10.32.030 Use of coasters, roller skates, and similar devices restricted.

It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, to go upon any roadway except while crossing a street on a crosswalk.

(Ord. 750 § 47).

10.32.040 Clinging to moving vehicles.

It shall be unlawful for any person traveling upon any bicycle, motor cycle, coaster, sled, roller skates, or any toy vehicle to cling to, or attach himself or his vehicle to any other moving vehicle or motor bus upon any roadway.

(Ord. 750 § 48).

10.32.050 Unlawful to drive through processions unless directed by traffic control signals or by a police officer.

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(Ord. 750 § 49).

10.32.060 Limitations on backing.

The operator of a vehicle shall not back the same unless such movement can be made in safety.

(Ord. 750 § 50).

10.32.070 Obstruction to operator's view or driving mechanism.

- (a) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the operator to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.
- (b) It shall be unlawful for any passenger in a vehicle or motor bus to ride in such position as to interfere with the operator's view ahead, or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(Ord. 750 § 51).

10.32.080 Throwing glass on street.

No person shall throw, cast, lay or place upon any roadway within the city of Fort Dodge, any tacks, nails, or wood containing nails, or any sharp or pointed metal, nor any glass, and in case of an accident causing the breaking of any glass upon any roadway, the owner or person in charge of such glass or the person responsible for such breakage, shall at once remove or cause the same to be removed from the roadway.

(Ord. 750 § 52).

10.32.090 Riding on handle bars prohibited.

It shall be unlawful for the operator of any bicycle or motor cycle, when upon the street, to carry any other person upon the handle bar, frame, or tank of any such vehicle, or for any person to so ride upon any such vehicle.

(Ord. 750 § 53).

10.32.100 Reckless driving.

"Reckless driving" means the driving of any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property.

(Ord. 1561 § 2, 1981).

10.32.105 Violation.

It is unlawful for any person to drive a motor vehicle in a reckless manner within the corporate limits of the city of Fort Dodge.

(Ord. 1561 § 3, 1981).

10.32.110 Meeting vehicles.

Operators of vehicles proceeding in opposite direction shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(Ord. 750 § 55).

10.32.120 Overtaking and passing vehicle.

The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the street until safely clear of such overtaken vehicle.

(Ord. 750 § 56).

10.32.130 Operator to give way to overtaking vehicle.

The operator of a vehicle upon a street about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(Ord. 750 § 57).

10.32.140 Duty to report accidents.

The operator of any vehicle involved in an accident resulting in injuries to any person or property or death to any person shall immediately make a report of such accident to the police headquarters.

(Ord. 750 § 58).

10.32.150 Signals starting from curb.

The driver of a parked vehicle about to start from the curb shall give moving vehicles the right-of-way, and the driver of the parked vehicle shall give a timely and visible warning in an unmistakable manner before starting.

(Ord. 750 § 59).

10.32.160 Flag or light at end of load.

Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than twelve inches both in length and in width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

(Ord. 750 § 60).

10.32.170 Horns and warning devices.

- (a) Every motor vehicle when operated upon a street shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of two hundred

feet or more, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or any compression of spark plug whistle, or any exhaust horn or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than a reasonable warning, or to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.

- (b) Every authorized emergency vehicle shall be equipped with a bell, siren, or exhaust whistle of a type approved by the Superintendent of Accounts, Finances and Public Safety.

(Ord. 750 § 61).

10.32.180 Prevention of noise, smoke, etc.—Muffler cutouts regulated.

- (a) No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (b) It shall be unlawful to use a "muffler cutout" on any motor vehicle on a highway.
- (c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

(Ord. 750 § 62).

10.32.190 Brakes.

Every motor vehicle operated on the streets of the city of Fort Dodge shall be provided with at least two adequate brakes, each of which shall work independently of the other, except motorcycles, which shall be provided with one adequate brake.

(Ord. 750 § 63).

10.32.200 Motor vehicle—Must be equipped with body and doors.

It shall be unlawful to drive a motor vehicle, other than a two-wheel vehicle, three-wheel vehicle, or dune buggy, upon the streets and alleys and public property of the city of Fort Dodge, Iowa, unless said vehicle is equipped with a body that protects the occupants of said vehicle from falling from the same, said body to have at least two doors, one on each side of the vehicle, for the purpose of entering and leaving said vehicle.

(Ord. 1339 § 8).

Chapter 10.36 NOISE AND EXCESSIVE FUMES OF MOTOR VEHICLES

Sections:

[10.36.010 Purpose.](#)

[10.36.020 Definitions.](#)

[10.36.030 Noise limits.](#)

[10.36.040 Nuisance.](#)

[10.36.050 Exhaust system and muffler.](#)

[10.36.060 Repair.](#)

[10.36.070 Tires.](#)

[10.36.075 Compression release engine brakes.](#)

[10.36.080 Exemptions.](#)

[10.36.090 Sound amplification systems.](#)

10.36.010 Purpose.

The purpose of this chapter is to regulate the operation of motor vehicles in the city of Fort Dodge, Iowa, in order to prevent excessive noise or excessive fumes occasioned by the operation of motor vehicles within the city of Fort Dodge, Iowa, and to require motor vehicles operated in the city of Fort Dodge, Iowa, to have a proper equipment, designed to prevent excessive noise created by the operation of said motor vehicles and to declare the creating of excessive noise by the operation of motor vehicles in Fort Dodge, Iowa, to be a nuisance.

(Ord. 1292 § 1).

10.36.020 Definitions.

For the purpose of this chapter, the following definitions will apply:

"Baffles" or "baffle tubes" means those internal parts of a muffler of a nonporous, rigid material which impedes the flow of exhaust from the point of entry of a muffler to the rear most point of said muffler.

"Cut-out, dumps, take pipes" means a cylindrical tube or tubes or enclosed conveyance or conveyances which is designed to eliminate any portion of an exhaust system which is deemed to include an exhaust pipe, muffler and tail pipe but not limited thereto, said device being either fully, partially or intermittently operational.

"dB(A)" means the composite abbreviation for A-weighted sound level, and the unit of sound level, the decibel.

"Engine block" means that single part of an internal combustion engine to which an exhaust manifold, as that term is normally used, would be attached.

"Excessive noise" means a sound which is loud, raucous, irritating, annoying, unreasonable, exceeds the usual normal, appropriate and regular sounds, or a sound which exceeds the sound level standards of this chapter.

"Exhaust" means those gases, fumes, chemical and/or physical parts which are the result of an operation of the ignition stroke of an internal combustion engine.

"Exhaust pipe" means that part of the means of enclosed conveyance designed to carry from the lower extremity of an exhaust manifold to the entry point of a muffler.

"Exhaust system" means all parts of a motor vehicle through which the exhaust passes after leaving the engine block.

"Extensions" means any flared, bell-shaped or bellows-shaped device which is attached, affixed or welded to the rearmost point of a tail pipe.

"Glasspacks, gaspacks, fiberglass packed mufflers" means those mufflers whose muffling or baffling function is comprised in whole or in part of fiberglass, spun glass, steel wool or any nonrigid, porous, readily malleable material.

"Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

"Gross vehicle weight" means the value specified by the manufacturer as the loaded weight of a single vehicle.

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"Headers" means the result of an alteration of an exhaust manifold of an internal combustion engine of seven cylinders or less that cause two or more means of exit of exhaust.

"Motor vehicle" means every vehicle which is propelled by an internal combustion engine riding on one or more round wheels, designed to be capable of operating on any street, alley, right-of-way or public access within the city of Fort Dodge, Iowa.

"Muffler" means a device consisting of a series of baffle plates or chambers or perforated tube or tubes with spun glass, spun steel, steel wool or other type of sandwich packing or other mechanical design or construction for the purpose of receiving exhaust and/or exhaust gases and effectively reducing exhaust noise from the motor of a motor vehicle.

"Smoke" means any emission of fumes or exhaust which can be readily observed by an individual or normal eyesight or corrected normal eyesight during the hours of daylight.

"Snuff-er-nots" or "snuff-nutts" means a device consisting of a circular, oblong, rectangular, square flat metal part which is affixed at any point in the exhaust system for the purpose of impeding exhaust or decreasing noise; it being affixed at one or more points in a round pipe or cylindrical pipe which allows it to swivel or be swiveled or be set in a fixed position.

"Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure level.

"Straight pipes" means any exhaust system which excludes any one or more of the following: exhaust pipe, muffler, baffler or baffle tube or tailpipe.

"Tailpipe" or "tail pipe" means a pipe or tubing or other cylindrical enclosed device to convey exhaust from the rearmost point of a muffler to a point behind the rearmost wheel and to the outer edge of the motor vehicle.

(Ord. 1510 §§ 2, 3, 1979; Ord. 1292 § 2).

10.36.030 Noise limits.

- (a) Operating Noise Limits. No person shall operate or be permitted to operate a motor vehicle at any time on any public street, avenue, boulevard, highway, or alley, or under any condition of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limits:

MAXIMUM ALLOWABLE NOISE SOUND PRESSURE LEVELS FOR MOTOR VEHICLES

Type of Vehicle	Maximum Allowable Sound Pressure Level	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight	80 dB(A)	25 feet
Motor vehicles weighing more than 10,000 pounds, manufacturer's gross vehicle weight	88 dB(A)	25 feet

This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this chapter relating to motor vehicle mufflers for noise control.

- (b) Noise Sound Pressure Level Measurement. For the purpose of determining noise and sound pressure levels as set forth in this section, the commissioner of public safety shall adopt departmental regulations providing for appropriate testing procedures.

(Ord. 1510 § 5, 1979; Ord. 1292 § 3).

10.36.040 Nuisance.

It is hereby declared the operation of a motor vehicle within the corporate limits of the city of Fort Dodge, Iowa, which creates excessive noise or creates fumes by reason of not having an exhaust system or muffler as specified in this chapter or having devices specifically prohibited by this chapter to be a nuisance. It is further declared that the operation of a motor vehicle in a manner that causes the tires of said motor vehicle to emit excessive noise is a nuisance.

(Ord. 1510 § 4 (part), 1979; Ord. 1292 § 3).

10.36.050 Exhaust system and muffler.

No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle on a street, roadway, alley or highway within the city of Fort Dodge, Iowa, unless such motor vehicle meets the following standards:

- (1) Any motor vehicle operated in Fort Dodge, shall be equipped with an exhaust system in good working order and in constant operation to prevent excessive noise or annoying or prohibited fumes or smoke. Any exhaust system shall be deemed defective and prohibited by this chapter if any changes, modifications, alterations, deletions, adjustments or deteriorations, cause such exhaust system to generate a higher or louder sound level which is excessive noise, than was generated by said vehicle as originally manufactured.
- (2) No motor vehicle shall be operated in the city of Fort Dodge, which is equipped with an exhaust system which has a cut-out, lake pipes or dump, snuff-er-riots (snuff-nuts), straight pipes or extensions.
- (3) No motor vehicle shall be operated in the city of Fort Dodge, Iowa, which is equipped with headers which create excessive noise,
- (4) No person shall operate a motor vehicle in Fort Dodge, Iowa, unless said motor vehicle shall have in its exhaust system a muffler.
- (5) No motor vehicle shall be operated in Fort Dodge, Iowa, equipped with a muffler from which the baffler plates, baffle tubes, screens, packing, lining or other original internal or external parts have been removed and have not been replaced.
- (6) No motor vehicle shall be operated in Fort Dodge, Iowa, equipped with an exhaust system which shall, upon acceleration or deceleration, with or without the drive chain engaged, of the speed of said motor vehicle, emit or produce a popping or crackling sound or create excessive noise.
- (7) No motor vehicle shall be operated in Fort Dodge, Iowa, unless said vehicle is equipped with a tailpipe as defined in this chapter. This subsection shall not be deemed to apply to semimotor trucks and tandem trucks,
- (8) No motor vehicle shall be operated in Fort Dodge, Iowa, equipped with an exhaust system which consists, in whole or in part, of any moveable, nonrigid fibrous or metal outer coverings.
- (9) No motor vehicle shall be operated in Fort Dodge, Iowa, equipped with an exhaust system which has installed in said system, any device designed to ignite exhaust gases so as to produce flame within or without the exhaust system.

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- (10) No motor vehicle shall be operated in the city of Fort Dodge, Iowa, by any person in any manner or by any method whereby the operation of said motor vehicle will create or cause the motor vehicle or any of its component parts to create excessive noise.

(Ord. 1510 § 4 (part), 5, 1979; Ord. 1292 § 4).

10.36.060 Repair.

Any exhaust system or muffler which does not meet the requirements enumerated in this chapter, shall be repaired or replaced to restore said exhaust system or muffler to meet the requirements of this chapter within five days of the date of discovery of said defect. Failure to replace or restore said exhaust system or muffler to meet the requirements of this chapter within the said five-day period, shall constitute a separate violation of this chapter.

(Ord. 1510 § 4 (part), 1979; Ord. 1292 § 5).

10.36.070 Tires.

No person shall operate a motor vehicle and no owner of a motor vehicle shall permit or allow the operation of a motor vehicle in such a manner or by such a method as to cause the tires on said motor vehicle to make any loud, raucous, squealing screeching noise or other sounds caused by excessive acceleration from a stopped position or while a vehicle is in motion, or by deceleration while a vehicle is in motion. This section shall not apply to any noises or sounds caused by the tires of motor vehicles when the vehicle is engaged in an emergency situation where it is necessary to accelerate or stop the vehicle immediately or suddenly in order to avoid contact with another vehicle or with a pedestrian, as long as the emergency situation is not that of the owner's making.

(Ord. 1510 § 4 (part), 1979; Ord. 1292 § 6).

10.36.075 Compression release engine brakes.

No vehicle operator within the corporate limits within the City of Fort Dodge shall use or caused to be used unmuffled or inadequately muffled "compression release engine brakes".

(Ord. No. 2105, §§ I, II, 12-22-08)

10.36.080 Exemptions.

This chapter shall not apply to authorized police, fire and emergency vehicles and special mobile equipment, licensed and authorized by the State of Iowa as such special mobile equipment.

(Ord. 1510 § 4 (part), 1979; Ord. 1292 § 7).

10.36.090 Sound amplification systems.

- (a) Purpose. The purpose of this section is to regulate motor vehicle sound amplification systems on the public streets of the city of Fort Dodge, Iowa.
- (b) Sound Amplification Systems. No driver of any motor vehicle within the city of Fort Dodge shall operate or permit operation of any sound amplification system in such manner that can be heard from outside the vehicle more than seventy-five feet from said vehicle when being operated on any street, highway or public place within the city of Fort Dodge, Iowa.
- (c) Exemption. Subsection (b) of this section shall not apply:

- (1) When such system is being operated in such a manner to request assistance or warn of a hazardous situation; or
 - (2) Apply to authorized emergency vehicles or outside service vehicles with outside vehicle speakers while engaged in the providing of service within the public right-of-way.
- (d) Penalty. Anyone violating the provisions of this section:
- (1) Shall upon conviction be subject to imprisonment not to exceed thirty days or fine not to exceed one hundred dollars; or
 - (2) In the alternative may be charged with a municipal infraction and upon conviction be subject to a civil penalty and/or relief authorized by Section 364.22 of the Code of Iowa.
- (Ord. 1955 § 2, 2000; Ord. 1915 §§ 1—4, 1997).

Chapter 10.40 BICYCLES, SKATEBOARDS, ROLLERBLADES AND ROLLER SKATES ¹⁴¹

Sections:

[10.40.010 License required.](#)

[10.40.020 Licensed bicycle sold or transferred.](#)

[10.40.030 Unlawful to alter registration tag.](#)

[10.40.040 Reflectors required.](#)

[10.40.050 Illumination on bicycles.](#)

[10.40.060 Sirens on bicycles.](#)

[10.40.070 Parking bicycles.](#)

[10.40.080 Operation of bicycles, skateboards, rollerblades and roller skates prohibited where.](#)

[10.40.090 Pedestrians have right-of-way.](#)

[10.40.100 Following fire trucks or towing.](#)

[10.40.110 Single file riding.](#)

[10.40.120 Carrying passengers.](#)

[10.40.130 Observing traffic regulations.](#)

[10.40.140 Revocation or suspension of license.](#)

10.40.010 License required.

Every person who owns or operates a bicycle within the limits of Fort Dodge, Iowa, shall cause the ownership thereof to be registered at the office of the police department of the city. Upon such registration and passage of an examination as to his knowledge of the law regulating the operation of bicycles in the city, and payment of fifty cents, the police department will issue a metal license tag which thereafter shall be kept permanently attached to such bicycle.

(Ord. 999 § 1).

10.40.020 Licensed bicycle sold or transferred.

In the event a licensed bicycle is sold or transferred, the license tag, plate or other means of identification shall pass to the new owner or transferee and the sale or transfer of such bicycle shall be reported to the city clerk by the new owner or transferee thereof within five days after the sale or transfer of such bicycle and the city clerk shall make a record of the sale or transfer together with the name of the new owner or transferee of such bicycle.

(Ord. 999 § 2).

10.40.030 Unlawful to alter registration tag.

It is unlawful for any person to alter or counterfeit any registration tag, plate or other means of identification issued in conformity with this chapter.

(Ord. 999 § 4).

10.40.040 Reflectors required.

All bicycles shall be equipped with a red glass reflector to be placed on the rear part of the bicycle so as to be visible from the rear. This reflector shall not be smaller than one and one-half inches in diameter and of such type as may be approved by the police department of the city of Fort Dodge, Iowa.

(Ord. 999 § 5).

10.40.050 Illumination on bicycles.

All bicycles used within the city limits shall during the hours from one-half hour after sunset and one-half hour before sunrise display a headlight on the forward part of the bicycle, such headlight to be stationary and to have illumination equal to that produced by a one and twenty-five hundredths volt electric bulb and battery. Flashlight in hand does not qualify as a stationary light.

(Ord. 999 § 6).

10.40.060 Sirens on bicycles.

The use of sirens on bicycles is unlawful.

(Ord. 999 § 7).

10.40.070 Parking bicycles.

Bicycles shall be parked only at special parking places designated by the police department or in racks provided for bicycles located at suitable and safe places approved by the police department.

(Ord. 999 § 8).

10.40.080 Operation of bicycles, skateboards, rollerblades and roller skates prohibited where.

It is unlawful for any person to ride or operate a bicycle, skateboard or rollerblades/roller skates upon the public sidewalks in a business or school district in the city.

(Ord. 1902 § 2(1), 1996).

10.40.090 Pedestrians have right-of-way.

Pedestrians upon public sidewalks shall have the right of way over persons on bicycles, skateboards or rollerblades/roller skates upon public sidewalks not herein prohibited. In the event a bicycle, skateboard or rollerblade/roller skate operator and pedestrian shall meet on a sidewalk and there is not room for both while in motion the operator of the bicycle, skateboard or rollerblades/roller skates shall stop and yield right of way to the pedestrian.

(Ord. 1902 § 2(2), 1996).

10.40.100 Following fire trucks or towing.

It is unlawful for any person riding a bicycle to follow fire trucks or other fire equipment at any time and it is unlawful for any person riding a bicycle to be towed or to tow any other vehicle operating upon the streets of the city.

(Ord. 999 § 11).

10.40.110 Single file riding.

Bicycles shall be ridden single file in business districts and upon sidewalks in residential districts but may be ridden not over two abreast elsewhere. Bicycles shall be operated as near the right curb as possible at all times.

(Ord. 999 § 12).

10.40.120 Carrying passengers.

It is unlawful for any person riding or operating a bicycle to carry any extra passengers thereon at any time.

(Ord. 999 § 13).

10.40.130 Observing traffic regulations.

All persons riding bicycles upon any street or sidewalk within the city shall observe all traffic rules as to traffic lights and highway stop signs and shall signal any change of direction or course of travel in the same manner and the same way as such signals are required under the law governing the use of automobiles upon the streets and highways and shall not turn to the right or left in traffic except at regular intersections of streets or alleys and shall not weave in and out of traffic. It is unlawful for any person riding a bicycle within the corporate limits of the city, to ride in an irregular or reckless manner such as zig-zagging, stuntings, speeding or otherwise riding with disregard for either the operator's safety or the safety of others.

(Ord. 999 § 14).

10.40.140 Revocation or suspension of license.

The police judge of the city of Fort Dodge, Iowa, is authorized to revoke or suspend any registration or license issued by virtue of this chapter to any person after a hearing for any violation of any of the provisions of this chapter.

(Ord. 999 § 15).

FOOTNOTE(S):

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For the statutory provisions authorizing local authorities to regulate the operation of bicycles and require the registration and licensing of same, see ICA 321.236. ([Back](#))

Chapter 10.44 RAILROADS

Sections:

[10.44.010 Construction and repair of railroad crossings.](#)

[10.44.020 Regulating operation of trains within city limits.](#)

[10.44.030 Protection of traffic on public streets at railroad crossings.](#)

[10.44.040 Controversy over necessity for protection.](#)

[10.44.050 Time allowed for obstructing traffic at crossings.](#)

[10.44.060 Requiring railroads to reconstruct, maintain and repair viaducts.](#)

[10.44.070 Payment of costs of repairs.](#)

[10.44.080 Method of enforcement.](#)

[10.44.090 Crossing natural stream.](#)

[10.44.100 What covered.](#)

[10.44.110 "Ordinary repairs" defined.](#)

10.44.010 Construction and repair of railroad crossings.

It shall be the duty of all companies owning or operating any railroad or sidetrack within the corporate limits of the city of Fort Dodge to construct, maintain and keep in repair good and sufficient crossings for vehicles and foot passengers at all points where any street or highway crosses any such track or railroad in the city.

(Ord. 927 § 1).

10.44.020 Regulating operation of trains within city limits.

No such company and their agent or employee shall run or permit to be run within the corporate limits of the city of Fort Dodge, Iowa, any train, locomotive or car at a speed greater than twenty-five miles per hour in main line operations or a speed greater than fifteen miles per hour in switching movements over highway railroad grade crossings. Whistles shall be sounded and engine bell rung by all trains when approaching such crossings.

(Ord. 927 § 2).

10.44.030 Protection of traffic on public streets at railroad crossings.

The City of Fort Dodge shall have the right, and it is the duty of the Mayor and Council of said City to protect traffic on Public Streets at Railroad Crossings by compelling the Railroad Company or Companies whose line or lines of track cross such public street, to place flagman or flagmen at such crossing, or to erect, construct, maintain and operate suitable gates or mechanical signal devices upon the public street at such Railroad Crossing, as provided by the Laws of the State of Iowa.

(Ord. 796 § 1).

10.44.040 Controversy over necessity for protection.

Such Flagman, Gates or Mechanical Devices shall be placed where ordered and under such regulations as may from time to time be made by the City Council of the City of Fort Dodge, Iowa, by motion or by resolution duly adopted for that purpose; provided that in any case where a controversy arises between the Railroad Company and the City as to the necessity for such flagmen, signal devices or gates, said controversy shall be determined as by law provided.

(Ord. 796 § 2).

10.44.050 Time allowed for obstructing traffic at crossings.

No railroad company and their agent or employee, owning or operating any railroad or side track within the limits of the city of Fort Dodge shall permit its locomotives, trains, or cars to stop or remain on the track where any street or highway crosses the same within said city so as to obstruct or impede travel on any such street or highway for a longer period than five minutes at any one time.

(Ord. 302 § 2).

10.44.060 Requiring railroads to reconstruct, maintain and repair viaducts.

Railroads crossing under any viaduct within the city limits of Fort Dodge, Iowa, shall be required to repair, maintain and reconstruct the same so that they shall be safe for vehicular and pedestrian travel.

(Ord. 1008 § 1).

10.44.070 Payment of costs of repairs.

One-half of ordinary repairs shall be paid by the City of Fort Dodge and the remaining half shall be paid by the railroad or railroads crossing under any viaduct. Costs of replacement, reconstruction or maintenance other than ordinary repair shall be paid in full by the railroad or railroads crossing under the viaduct.

(Ord. 1008 § 2).

10.44.080 Method of enforcement.

In order to require any railroad to furnish any work or material or pay toward the same it shall be necessary for the City of Fort Dodge to serve on the railroad a notice in writing in the manner required for service of original notice in actions in the district court of the state. Said notice shall set forth in general terms the work to be done and material to be furnished and manner of construction thereof and the time for commencement and completion thereof. Written assent to the demand contained in the notice shall be filed by the railroad or railroads with the City Clerk. In the event any railroad neglects or refuses to file written assent with the Clerk within thirty days after completed service of the notice upon it or such further time as the council may grant the city shall commence action in mandamus to enforce the reconstruction,

maintenance or repair of the same. The remedies set forth in Chapter 387 of the 1946 Code of Iowa are herein incorporated and made a part as though set forth in full.

(Ord. 1008 § 3).

10.44.090 Crossing natural stream.

In the event any one viaduct is used to cross a railroad tract or tracks and also a bridge over a natural stream the railroad or railroads shall only be responsible for that portion of the viaduct from and including the approach up to the place the bridge commences to cross the natural stream and shall not be responsible for that portion of the bridge which crosses the natural stream.

(Ord. 1008 § 4).

10.44.100 What covered.

These provisions shall cover viaducts or portions thereof which have been constructed in whole or in part due to the presence of railroad tracks.

(Ord. 1008 § 5).

10.44.110 "Ordinary repairs" defined.

The term "ordinary repairs" shall include such repairs as would be necessary in the event this were a street without artificial support but does not include replacement or reconstruction of steel necessary to support the floor nor shall it include complete replacement or rebuilding of the floor.

(Ord. 1008 § 6).

Chapter 10.48 ATV'S AND SNOWMOBILES

Sections:

[10.48.010 Purpose.](#)

[10.48.020 Regulation.](#)

[10.48.030 Penalty.](#)

10.48.010 Purpose.

The purpose of this chapter is to implement the provisions of Sections 321G.9(4)(a) and 321L.10(3) of the Code of Iowa by regulating the operation of ATV's and snowmobile's within the city of Fort Dodge, to establishing penalties for violations and to repeal ordinances in conflict.

(Ord. 2047 (part), 2005).

10.48.020 Regulation.

(a) No person may operate an all-terrain vehicle (ATV), as defined by Section 321L.1(1) of the Code of Iowa, or a snowmobile, as defined by Section 321G.1(18) of the Code of Iowa on any street, highway, right-of-way or upon any public property within the city of Fort Dodge, Iowa, except:

(1) When owned and operated by a governmental body;

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- (2) In an emergency, as determined by the chief of police, when other vehicular travel is impractical;
 - (3) When being used for construction, maintenance or farming purposes;
 - (4) When authorized by the park and recreation commission of the city of Fort Dodge;
 - (5) When use at a special event is authorized by the city council of the city of Fort Dodge.
- (b) No person may operate an ATV or snowmobile, as defined in this section, on private property without the permission of the property owner and/or in violation of Chapters 321G and 321L of the Code of Iowa.
- (Ord. 2047 (part), 2005).

10.48.030 Penalty.

Anyone violating the provisions hereof shall be subject to penalty, as provided in Ordinance 1999 (Section 1.20.020 of this code) of the ordinances of the city of Fort Dodge.

(Ord. 2047 (part), 2005).

Chapter 10.52 SNOW REMOVAL OPERATIONS ^[5]

Sections:

[10.52.010 Purpose.](#)

[10.52.020 Emergency snow removal routes.](#)

[10.52.030 Parking prohibition during emergency snow removal operations.](#)

[10.52.040 Downtown snow removal routes.](#)

[10.52.050 Signs posted.](#)

[10.52.060 Special parking provisions.](#)

[10.52.070 Towing of vehicles.](#)

[10.52.080 Violation—Penalty.](#)

10.52.010 Purpose.

The purpose of the ordinance codified in this chapter is to provide for emergency snow removal routes, prohibit parking thereon during snow removal operations and thereby protect the citizens of this city from such hazards to their health, safety and welfare as may result from uncontrolled vehicular parking during snow removal operations.

(Ord. No. 2189, § II, 11-12-13)

10.52.020 Emergency snow removal routes.

The following streets within the city of Fort Dodge, Iowa are designated as emergency snow removal routes:

- (1) First Avenue North from Twenty-first Street to Twenty-second Street;
- (2) First Avenue South from Fifteenth Street to Twenty Ninth Street;

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- (3) Second Avenue North from Twelfth Street to Thirty Second Street;
- (4) Second Street Northwest from West Hawkeye Avenue to Sixth Avenue Northwest;
- (5) 3rd Avenue Northwest from 5th Street Northwest to the city boundary just prior to HWY 169;
- (6) Third Street from First Avenue North to Eleventh Avenue North;
- (7) Fifth Avenue South from 8th Street to South 42nd Street;
- (8) Fifth Avenue North from East Hawkeye Avenue to Third Street;
- (9) Sixth Avenue North from Ninth Street to Twenty-second Street;
- (10) Sixth Avenue Northwest from Second Street Northwest to Fifth Street Northwest;
- (11) Seventh Avenue North from Ninth Street to Twenty-second Street;
- (12) Seventh Street from Second Avenue South to Eleventh Avenue Southwest and Third Avenue North to the city boundary;
- (13) Eighth Avenue North from North Third Street to North Ninth Street;
- (14) Ninth Avenue North from Fifteenth Street to Sixteenth Street;
- (15) Ninth Avenue South from Fifteenth Street to Seventeenth Street;
- (16) Ninth Street from Second Avenue North to Eighth Avenue North;
- (17) Tenth Avenue North from Sixteenth Street to the city boundary;
- (18) Eleventh Avenue North from Third Street to Seventh Street;
- (19) Eleventh Avenue Southwest from Seventh Street to Sixteenth Street Southwest;
- (20) Twelfth Street from Second Avenue South to Fifth Avenue South;
- (21) Twelfth Avenue South from Seventeenth Street to Twenty-fifth Street;
- (22) Twelfth Avenue Southwest from Sixteenth Street Southwest to Fifteenth Street;
- (23) Reserved;
- (24) Fifteenth Street from 18th Avenue South to 16th Street Southwest and Fifteenth Street from Ninth Avenue South to Central Avenue;
- (25) North Fifteenth Street from Central Avenue to 38th Avenue North;
- (26) 17th Street from Patterson Field Road to 18th Avenue South;
- (27) Sixteenth Avenue North from Twenty-second Street to Twenty-ninth Street;
- (28) Sixteenth Street from Ninth Avenue North to Tenth Avenue North;
- (29) Sixteenth Street Southwest from Eleventh Avenue Southwest to Twelfth Avenue Southwest;
- (30) Seventeenth Street from Fifth Avenue South to Twelfth Avenue South;
- (31) Twentieth Avenue North from Fifteenth Street to Williams Drive;
- (32) Twentieth Avenue North from Twenty-second Street to North Thirtieth Court;
- (33) Twenty-first Street from First Avenue North to Sixth Avenue South;
- (34) Twenty-second Street from First Avenue North to North 25th Street and Sixth Avenue South to Fifteenth Avenue South;
- (35) Twenty-second Avenue North from 22nd Street to North 29th Street;
- (36) South Twenty-fifth Street from First Avenue South to Fifteenth Avenue South;
- (37) North Twenty-fifth Street from 1st Avenue South to North 32nd Street;

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- (38) Twenty-fifth Avenue North from North 25th Street to North 22nd Street;
 - (39) North Twenty-seventh Street from Second Avenue North to Tenth Avenue North;
 - (40) Twenty-eighth Avenue North from Williams Drive to Fifteenth Street;
 - (41) Twenty-ninth Street from Tenth Avenue North to Twentieth Avenue North;
 - (42) North Thirty-Second Street from the city boundary to 38th Avenue North (170th Street);
 - (43) A Street from Avenue "G" to Second Avenue South;
 - (44) Avenue "C" from Kenyon Road to "A" Street;
 - (45) Avenue "G" from "A" Street to "C" Street;
 - (46) Avenue "O" West from Western city boundary to Tower Drive;
 - (47) East Hawkeye Avenue from West Hawkeye Avenue to Fifth Avenue North;
 - (48) Floral Avenue from Fifteenth Street to Twenty-second Street;
 - (49) "C" Street from Avenue "C" to Avenue "G";
 - (50) West Hawkeye Avenue from Second Street Northwest to Fifth Street Northwest;
 - (51) Williams Drive From Eighth Avenue North to Twenty-eighth Avenue North;
 - (52) Eighth Avenue North from Seventh Street to Ninth Street;
 - (53) Twenty-fifth Street from Eighth Avenue South to 15th Avenue South;
 - (54) Patterson Field Road from 17th Street to the city boundary.
- (Ord. No. 2189, § II, 11-12-13)

10.52.030 Parking prohibition during emergency snow removal operations.

A parking prohibition shall automatically go into effect on all snow emergency routes (set out in Section 10.52.020 and as posted pursuant to Section 10.52.050) on which there has been an accumulation of snow and ice of two inches or more. Such parking prohibition shall be for a period of twenty-four hours from start of parking prohibition.

(Ord. No. 2189, § II, 11-12-13)

10.52.040 Downtown snow removal routes.

When snow accumulations create the need for snow removal operations in the downtown area, a special proclamation will be issued by the city manager or designee. During the time period for downtown snow removal, there will be no parking on the following streets designated as downtown snow removal routes as posted pursuant to Section 10.52.050.

- (1) Central Avenue from Third Street to Fifteenth Street;
- (2) First Avenue South from Third Street to Fifteenth Street;
- (3) First Avenue North from Third Street to Twelfth Street;
- (4) Third Street from First Avenue North to Second Avenue South;
- (5) Fourth Street from First Avenue North to Second Avenue South;
- (6) Fifth Street from First Avenue North to Second Avenue South;
- (7) Sixth Street from First Avenue North to Second Avenue South;
- (8) Seventh Street from Third Avenue North to Second Avenue South;

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- (9) Eighth Street from Third Avenue North to Kenyon Road;
- (10) Ninth Street from Second Avenue North to Second Avenue South;
- (11) Tenth Street from Second Avenue North to Second Avenue South;
- (12) Eleventh Street from Second Avenue North to First Avenue South;
- (13) Twelfth Street from Second Avenue North to First Avenue South.

(Ord. No. 2189, § II, 11-12-13)

10.52.050 Signs posted.

A sign shall be posted in each block of each street designated above as an emergency snow removal route unless the block is already posted as no parking at anytime.

(Ord. No. 2189, § II, 11-12-13)

10.52.060 Special parking provisions.

To facilitate compliance with the parking restrictions set out in this chapter, the parking of motor vehicles upon the unpaved portion of the street right-of-way commonly called the parking or berm shall be authorized during "special snow removal operations". Vehicles must be removed from the parking berm once all streets have been cleared.

(Ord. No. 2189, § II, 11-12-13)

10.52.070 Towing of vehicles.

In the event any motor vehicle is found parked contrary to the prohibition of this chapter, the police department shall be empowered to have the vehicle towed to a designated storage place with the towing and storage charges being established as a lien upon the vehicle in favor of the city of Fort Dodge and possession of the vehicle being retained under authority of the city of Fort Dodge, Iowa, until the towing and storage charges are paid therefore in full by the owner of such vehicle.

(Ord. No. 2189, § II, 11-12-13)

10.52.080 Violation—Penalty.

Any person who violates any portion of this chapter shall be subject to a fine of fifty dollars to be collected upon issuance of a parking summons pursuant to Section 321.236 of the Code of Iowa.

(Ord. No. 2189, § II, 11-12-13)

FOOTNOTE(S):

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Editor's note— Ord. No. 2189, § II, adopted Nov. 12, 2013, repealed Chapter 10.52, §§ 10.52.010—10.52.090, and reenacted a new chapter as set out herein. Former Chapter 10.52 pertained to similar

subject matter and derived from Ord. 1609 §§ 1, and 3—9, adopted in 1982; Ord. 1876, § 2, adopted in 1994; and Ord. No. 2136, § II, adopted July 11, 2011. ([Back](#))

Chapter 10.56 ABANDONED AND JUNK VEHICLES AND MACHINERY

Sections:

[10.56.010 Purpose.](#)

[10.56.020 Definitions.](#)

[10.56.030 Enforcement.](#)

[10.56.040 Removal, impoundment, and disposal.](#)

[10.56.050 Junk vehicles and machinery a nuisance.](#)

[10.56.060 Notice to abate.](#)

[10.56.070 Duty of owner to remove or repair.](#)

[10.56.080 Abatement.](#)

[10.56.090 Exceptions.](#)

[10.56.100 Fencing requirements.](#)

[10.56.110 Compliance.](#)

[10.56.120 Penalty.](#)

10.56.010 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property of this city by providing for removal of abandoned vehicles and the elimination of the open storage of abandoned and junk vehicles and machinery except in place authorized.

(Ord. 1934 § 1, 1999).

10.56.020 Definitions.

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

- (a) The term "abandoned vehicle" shall mean any of the following:
 - (1) A vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight hours and lacks current registration plates or two or more wheels or other structural parts which renders the vehicle totally inoperable; or
 - (2) A vehicle that has remained illegally on public property for more than fifteen days; or
 - (3) A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - (4) A vehicle that has been legally impounded by order of the chief of police and has not been reclaimed for a period of thirty days.
- (b) The term "vehicle" is defined according to § 321.1 of the Code of Iowa.

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- (c) The term "junk vehicle or junk machinery" shall mean any vehicle within the corporate limits of Fort Dodge, Iowa, licensed or not licensed for the current year as required by law, and which because of any one of the following characteristics, constitutes a threat to the public health and safety:
- (1) Any vehicle with a broken windshield and/or window; with sharp edges;
 - (2) Any vehicle with a missing or broken fender, door, bumper, hood, or trunk top; with sharp edges;
 - (3) Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects;
 - (4) Any vehicle lacking an engine, wheel(s), or any other part which renders the motor vehicle inoperable or unfit for legal use;
 - (5) Any vehicle left unattended over seventy-two hours up on blocks, jacks, or elevated in any other way which constitutes a threat to public health or safety;
 - (6) Any vehicle used for over seventy-two hours as a storage for items such as rags, old rope, batteries, paper, trash bags, machinery parts, scrap household groups, dead plant material;
 - (7) Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

(Ord. 1934 § 2, 1999).

10.56.030 Enforcement.

Abandoned vehicles on public property shall be the responsibility of the police department. All other enforcement shall be the responsibility of the department of inspections.

(Ord. 1934 § 3, 1999).

10.56.040 Removal, impoundment, and disposal.

Removal, impoundment, and disposal shall be effected pursuant to state law.

- (a) Removal of abandoned vehicles. § 321.89 of the 1999 Code of Iowa.
- (b) Notice to owner and lienholders. § 321.89 of the 1999 Code of Iowa.
- (c) Impoundment Fees. § 321.89 of the 1999 Code of Iowa.
- (d) Auction of operable vehicles. § 321.89 of the 1999 Code of Iowa.
- (e) Inoperable abandoned vehicles. § 321.90 of the 1999 Code of Iowa.
- (f) Duties of demolisher. § 321.90 of the 1999 Code of Iowa.

(Ord. 1934 § 4, 1999).

10.56.050 Junk vehicles and machinery a nuisance.

It is hereby declared that storage within the corporate limits of a junk vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by Section 10.56.090 of this chapter, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle or machinery is stored upon private property in violation hereof, the owner of the vehicle (who is the owner or person in control of the property upon which it is stored) shall be prima facie liable for such violation.

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(Ord. 1934 § 5, 1999).

10.56.060 Notice to abate.

Upon discovery of any junk vehicle or junk machinery stored upon private property within the corporate limits of this city in violation of Section 10.56.050, the department of inspections shall within ten days notify by certified mail the owner of such vehicle or other property owner that:

- (a) The vehicle constitutes a nuisance under the provision of this chapter;
- (b) That the owner must remove or repair the vehicle or machinery in accordance with the terms of Section 10.56.070 of this chapter; and
- (c) That failure to remove or repair the vehicle or machinery will be sufficient cause for its removal by the city at the owner's cost.

(Ord. 1934 § 6, 1999).

10.56.070 Duty of owner to remove or repair.

The owner of a junk vehicle or junk machinery (who is the owner or person in control of the property upon which it is stored) which violates the provisions of Section 10.56.050 shall remove the vehicle or machinery to an auto salvage yard or junk yard duly licensed by this city, or to a lawful place of storage within the city limits, or repair the defects which cause such vehicle or machinery to violate the provisions of this chapter, including licensing if a vehicle not currently licensed.

(Ord. 1934 § 7, 1999).

10.56.080 Abatement.

If such owner of a junk vehicle or junk machinery shall fail to remove or repair the vehicle in accordance with the terms of Section 10.56.070, the department of inspections shall abate such nuisance by causing the vehicle to be removed and impounded and sold or disposed of as specified in Sections 10.56.030 and 10.56.040 and the cost of abatement shall be charged to the owner of the vehicle or other property owner.

(Ord. 1934 § 8, 1999).

10.56.090 Exceptions.

The provisions of this chapter shall not apply to a junk vehicle or junk machinery stored within:

- (a) A garage, other enclosed structure, or a fence as defined under section 10.56.100 of this chapter; or
- (b) An auto salvage yard, junk yard, or storage yard legally existing in this city and fenced as required by Section 17.07.14, Part B(13) of the Fort Dodge Municipal Code (FDMC); or
- (c) Automotive dealership or an automobile repair shop fenced as required under section 10.56.100 of this chapter.

(Ord. 1934 § 9, 1999).

10.56.100 Fencing requirements.

- (a) As required under this chapter, the property owner shall erect a suitable and substantial fence of not less than six feet high surrounding the enclosed area properly screened from public view. Such

fence shall be kept in a constant state of good repair and no signs or other advertising matter shall be placed thereon. Junk vehicles and machinery stored behind such fence shall not exceed the height of the fence. In addition, such fences shall be constructed in accordance with all applicable requirements of the building code and Zoning Ordinance of the city of Fort Dodge.

- (b) Businesses covered under Section 10.56.100 of this chapter shall be in compliance within six months from the effective date of the ordinance codified in this chapter.
- (c) This section shall not apply to junk yards, salvage yards, and automobile repair shops that repair or remove the junk vehicle or machinery within thirty days.

(Ord. 1934 § 10, 1999).

10.56.110 Compliance.

Compliance with this chapter does not relieve the owner from compliance with the building, zoning, dangerous building, and fire codes of the city of Fort Dodge.

(Ord. 1934 § 11, 1999).

10.56.120 Penalty.

Anyone failing to remove or repair any junk vehicle or machinery stored on private property in violation of Section 10.56.070 shall be deemed guilty of a misdemeanor and;

- (a) Upon conviction, be subject to imprisonment not exceeding thirty days, or a fine not exceeding one hundred dollars; or
- (b) In the alternative may be charged with a municipal infraction and upon conviction be subject to a civil penalty and/or relief authorized by Section 364.22 of the Code of Iowa.
- (c) This section shall not apply to junk yards, salvage yards, and automobile repair shops that repair or remove the junk vehicle or machinery within thirty days.

(Ord. 1934 § 12, 1999).

Chapter 10.60 AUTOMATED TRAFFIC ENFORCEMENT

Sections:

[10.60.010 Purpose.](#)

[10.60.020 Definitions.](#)

[10.60.30 Vehicle owner's civil liability for certain traffic offenses.](#)

[10.60.040 Notice of violation; fine.](#)

[10.60.050 Contesting an automated traffic citation.](#)

[10.60.60 Exception to owner liability.](#)

[10.60.070 Failure to timely pay or appeal.](#)

10.60.010 Purpose.

The City of Fort Dodge, in accordance with its police powers, may deploy, erect or cause to have erected an automated traffic enforcement system for making video images of vehicles that fail to obey red

traffic signals at intersections designated by the city manager, or his designee, or fail to obey speed regulations at other locations in the city. The system may be managed by a private contractor that owns and operates the requisite equipment with supervisory control vested in the city's police department. Video images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the city's traffic control ordinances and are to receive a notice of violation for the offense.

(Ord. No. 2138, § 1, 5-23-11)

10.60.020 Definitions.

- (1) Automated traffic citation shall mean a notice of fine generated in connection with the automated traffic enforcement system.
- (2) Automated traffic enforcement contractor shall mean the company or entity, if any, with which the City of Fort Dodge contracts to, provide equipment and/or services in connection with the automated traffic enforcement system.
- (3) Automated traffic enforcement system shall mean an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or police department employee to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction.
- (4) Vehicle owner shall mean the person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.

(Ord. No. 2138, § 1, 5-23-11)

10.60.30 Vehicle owner's civil liability for certain traffic offenses.

- (1) The vehicle owner shall be liable for a fine as imposed below if such a vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or arrow.
- (2) The vehicle owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the posted limit.
- (3) The violation may be exempted from liability as outlines below in subsection 10.60.60 of this chapter and other defenses may be considered in connection with the appeal process.
- (4) In no event will an automated traffic citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner's driving record.

(Ord. No. 2138, § 1, 5-23-11)

10.60.040 Notice of violation; fine.

- (1) Notice of the violation will be mailed to the vehicle owner for each violation recorded by an automated traffic enforcement system or traffic control signal monitoring device. The automated traffic enforcement contractor shall mail the notice within fifteen days after receiving information about the vehicle owner. The notice shall include the name and address of the vehicle owner; the vehicle make, if available and readily discernable, and registration number; the violation charged; the time; the date; and the location of the alleged violation; the applicable fine and monetary penalty which shall be assessed for late payment; information as to the availability of an administrative hearing in which the notice may be contested on its merits; and that the basis of the hearing in which the notice may be contested on its merits; and that the basis of the notice is a photographic record obtained by an automated traffic enforcement system.

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- (2) Any violation of subsequent subsection 10.60.030(1) above shall be subject to a civil fine of one hundred dollars, payable to the City of Fort Dodge.
- (3) Any violation of subsection 10.60.030(2) above shall be subject to a civil fine as listed in the table below, and the fine for any violation committed in a designated construction zone (as provided by Iowa Code), shall be double, as reflected below, subject in any event to the limit on fines sought in municipal infractions. All civil fines shall be payable to the City of Fort Dodge.

Speed over the limit	Civil Fine	Construction Zone
1 through 5 m.p.h.	\$25.00	\$50.00
6 through 10 m.p.h.	\$50.00	\$100.00
11 through 20 m.p.h.	\$75.00	\$150.00
21 through 25 m.p.h.	\$100.00	\$200.00
26 through 30 m.p.h.	\$225.00	\$450.00
Over 30 m.p.h.	\$300.00	\$600.00

(Ord. No. 2138, § 1, 5-23-11)

10.60.050 Contesting an automated traffic citation.

A vehicle owner who has been issued an automated traffic citation may contest the citation as follows:

- (1) By submitting in a form specified by the city a request for an administrative hearing to be held at the Fort Dodge police department before an administrative hearing officer. Such a request must be filed within thirty days from the date on which notice of the violation is sent to the vehicle owner. After hearing, the hearing officer may either uphold or dismiss the automated traffic citation, and shall mail the written decision within ten days after the hearing, to the address provided on the request for hearing. If the citation is upheld, then the hearing officer shall include in the written decision a date by which the fine must be paid, and on or before that date, the vehicle owner shall either pay the fine or submit a request pursuant to the subsection (2) of this section.
- (2) By submitting in a form specified by the city a request that in lieu of the automated traffic citation, a municipal infraction citation be issued and filed with the small claims division of the Iowa District Court in Webster County. Such a request must be filed within thirty days from the date on which notice of the violation is sent to the vehicle owner. Such a request will result in a court order requiring the vehicle owner to file an answer and appearance with the clerk of court, as well as setting the matter for trial before a judge or magistrate. If the court finds the vehicle owner guilty of the municipal infraction, state mandated court costs will be added to the amount of the fine imposed by this section.

(Ord. No. 2138, § 1, 5-23-11)

10.60.60 Exception to owner liability.

There shall be no liability pursuant to this [chapter] if:

- (1) The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to [Title 10] of this code or Iowa Code Chapter 321 (2011); or
- (2) The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided, however, the vehicle or its plates had not been recovered by the vehicle owner at the time of the alleged violation: or
- (3) The vehicle in question was an authorized emergency vehicle: or
- (4) The officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession; or
- (5) The officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of way to an emergency vehicle.

(Ord. No. 2138, § 1, 5-23-11)

10.60.070 Failure to timely pay or appeal.

If the recipient of an automated traffic citation does not either pay the fine by the due date stated in the citation or appeal the citation as provided herein, a municipal infraction citation may be filed by the Fort Dodge police department and a fine may be sought in accordance with Section [10.20.025] of this code rather than subsection 10.60.040 above. If the court finds the vehicle owner guilty of the municipal infraction, state mandated court costs will be added to the amount of the fine imposed by this section.

- (1) That the civil penalties for violation of the foregoing provisions shall be the fines set forth in section 10.60.040(1) of this chapter.
- (2) That it is the intention of the council that each section, paragraph, sentence, clause and provision of this chapter is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this chapter, nor any part thereof other than that affected by such decision.
- (3) That the aforesaid additional Chapter 10.60 shall be included as part of the replacement pages of the Municipal Code, City of Fort Dodge, Iowa and made a part of said Code as provided by law.

(Ord. No. 2138, § 1, 5-23-11)