

Chapter 9: Definitions

- 9.1 Definitions.** Unless defined in this Chapter, terms used within this Code will be construed according to common meaning.
- 9.2 Abandoned Animal.** Leaving an animal for a period in excess of twenty-four (24) hours without appropriate provisions having been made for the feeding, watering, and care of such animal as provided in Chapter 7.
- 9.3 Abutting.** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
- 9.4 Accessory Structure.** A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
- 9.5 Accessory Use.** A use which is incidental to and customarily associated with a specific principal use on the same site.
- 9.6 Acquisition Plat.** The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
- 9.7 Addition.** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
- 9.8 Adequate Food.** Food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept.
- 9.9 Adequate Shelter.** Adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal. Shelter for a dog shall include one or more of the following:
- A.** The residence of the dog's owner or other individual.
 - B.** A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog.
 - C.** A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse that is accessible to the dog.

- D. When a dog is confined outside a residence, the following minimum space requirements shall be used:

Dog Size	Inches at Withers	Weight	Pen Size
Small	11.99 inches or less	19.99 lbs or less	24 Sq. Ft.
Medium	12 to 19.99 inches	20 to 49.99 lbs.	32 Sq. Ft.
Large	20 to 25.99 inches	50 to 74.99 lbs.	40 Sq. Ft.
Extra Large	26 inches or more	75 lbs or more	48 Sq. Ft.

- E. An additional 16 square feet shall be required for each dog sharing a pen with another dog. The minimum pen size includes a shelter.
- 9.10 Adequate Water.** Water that is clean, uncontaminated, in liquid form and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept. An uncontaminated pond, stream or river is considered adequate water for livestock. Water must be reachable by the animal. Snow and ice are not considered an adequate water source.
- 9.11 Aliquot Part.** A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.
- 9.12 Alley.** Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
- 9.13 Alteration.** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- 9.14 Altered.** An animal that is either spayed or neutered.
- 9.15 Animal.** Any member of the animal kingdom except human beings.
- 9.16 Animal Shelter.** A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or which boards such animals as a service-for-fee to the City.
- 9.17 At Large.** Off the premises of the owner or custodian, whether by accident, design, or otherwise.
- 9.18 Attached.** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension, or archway.
- 9.19 Auditor's Plat.** A subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the auditor.
- 9.20 Awning Sign.** A sign which is part of or attached to a retractable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework.
- 9.21 Base Flood.** The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- 9.22 Basement.** Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

- 9.23 Bite.** Any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.
- 9.24 Block.** An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
- 9.25 Board of Health.** The Board of Health of Pottawattamie County, Iowa.
- 9.26 Boat.** Any vehicle that is designed or intended to operate on any body of water and can be propelled by such motive power as oars, paddles, wind or engine. This definition shall be interpreted to include all personal watercraft.
- 9.27 Bufferyard.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- 9.28 Building Coverage.** The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
- 9.29 Business District.** Business District means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
- 9.30 Cat.** Members of the Felis domesticus species, male or female, altered or unaltered.
- 9.31 Chapter.** Refers to a specific chapter of 2014 Avoca City Code in which a specific subject is covered and bears a descriptive title word.
- 9.32 City.** The City of Avoca, Iowa.
- 9.33 City Engineer.** The professional engineer registered in the State of Iowa designated as City Engineer by the City Council.
- 9.34 City Property.** City property is any property, including public right-of-way, owned or controlled by the City of Avoca, an Iowa municipal corporation.
- 9.35 Clerk.** The City Clerk of Avoca, Iowa.
- 9.36 Code.** The "2014 Avoca City Code."
- 9.37 Comprehensive Plan.** The general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
- 9.38 Conditional Use Permit.** The Conditional Use Permit process provides for Planning Commission review and Board of Adjustment discretion for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties. Conditional Use Permits may be denied or granted at the discretion of the Board of Adjustment and shall impose special conditions upon the use to improve its compatibility with the surrounding neighborhood.
- 9.39 Constitution.** The Constitution of Iowa or the Constitution of the United States or both depending upon the context of the usage.

- 9.40 Conveyance.** An instrument filed with a Recorder as evidence of the transfer of title to land, including any form of deed or contract.
- 9.41 Council.** The City Council of Avoca, Iowa.
- 9.42 County.** Pottawattamie County, Iowa.
- 9.43 Cul-de-Sac.** A street having one end connecting to another street, and the other end terminated by a vehicular turn around.
- 9.44 Dangerous Animals.** Defined as the following:
- A.** Any animal which is not naturally tame or gentle, which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; or
 - B.** Dangerous dogs, defined as the following:
 - 1.** Any dog which has attacked a human being or domestic animal one or more times, without provocation, as determined by the Animal Control Official;
 - 2.** Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals, as determined by the Animal Control Official;
 - 3.** Any dog that has been cited for running “at large” three times in one year; or
 - 4.** Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;
 - 5.** Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States.
 - 6.** The following animals, which are deemed to be dangerous animals per se:
 - a.** Canidae; e.g. wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, jackals, within the order Carnivora but excluding *Canis familiaris*, the domestic dog, except those breeds of *Canis familiaris* specifically identified as dangerous animals per se.
 - b.** Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding *Felis domestica*, the domestic cat.
 - c.** Mustelidae; e.g. badgers, wolverines, weasels, skunks, mink, otters within the order Carnivora, but not including domestic ferrets.
 - d.** Procyonidae; e.g. raccoons, pandas, kinkajous within the order Carnivora.
 - e.** Ursidae; e.g. black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.
 - f.** Chiroptera; e.g. bats.

- g.** Cebidae; e.g. monkeys.
- h.** Cercopithecidae; e.g. baboons.
- i.** Callithricidae; e.g. marmosets, tamarins.
- j.** Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.
- k.** Lemuridae; e.g. lemurs.
- l.** Didelphidae; e.g. opossums.
- m.** Castoridae; e.g. beavers.
- n.** Viverridae; e.g. civets and mongooses.
- o.** Hyaenidae; e.g. hyaenas.
- p.** Formicidae; e.g. fire ants within the order Hymenoptera.
- q.** Apidae; specifically Africanized strains of *Apis mellifera* the honeybee.
- r.** Crocodylidae; e.g. crocodiles, alligators, caimans, gavials, of the order Squamata.
- s.** Helodermatidae; e.g. gila monsters, beaded lizards, of the order Squamata.
- t.** Crotalidae; e.g. rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, waglers vipers, palm vipers, eyelash vipers, of the order Squamata.
- u.** Viperidae; e.g. rhinoceros vipers, bushmasters, puff adders, gaboon vipers, of the order Squamata.
- v.** Elapidae; e.g. cobras, taipans, coral snakes, sea snakes, of the order Squamata.
- w.** Opisthoglyphous colubridae; e.g. twigsnakes, boomslangs, mangrove snakes, mussuranas, Malagasy hognose snakes of the order Squamata.
- x.** *Eunectes murinus*; e.g. anacondas of the order Squamata.
- y.** *Boa constrictor*; e.g. boa constrictors of the order Squamata.
- z.** *Morelia amethystina*; amethystine pythons of the order Squamata.
- aa.** *Python sebae*; African rock pythons of the order Squamata.
- bb.** *Python molurus*; Burmese pythons, Indian pythons, Ceylonese pythons of the order Squamata.
- cc.** *Python reticulatus*; reticulated pythons of the order squamata.

- dd. Venomous spiders of the families teridiidae, and loxoscelidae respectively, and scorpions of the order Scorpions.
- ee. Venomous lizards.
- ff. The American Pit Bull Terrier, American Staffordshire Terrier, and/or Staffordshire Bull breeds of *Canis familiaris*;
- gg. Any crossbreed which predominantly display traits of such animals as listed above.

- 9.45 Dangerous Weapon.** A “*dangerous weapon*” is any instrument or device designed primarily for use in inflicting injury upon a human being or animal or which is capable of inflicting injury to property when used in the manner for which it was designed. Dangerous weapons include but are not limited to any pellet gun, bow and arrow, air rifle, pistol, revolver, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five inches in length, or any portable device or weapon directing an electric current, impulse, wave, a beam that produces a high-voltage pulse designed to immobilize a person, or other devices which can expel or may be readily converted to expel any form of projectile so as to strike an object or person. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the possessor intends to inflict injury upon a human being or animal, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon.
- 9.46 Decibel.** Decibel means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
- 9.47 Detached Sign.** A sign which is self-supporting and structurally independent from any building. A freestanding mast or pole(s) may provide the independent structure for the sign.
- 9.48 Development.** Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading
- 9.49 Directional Sign.** A sign which serves only to designate the location or direction of any area or place.
- 9.50 Discontinued Sign.** A sign, including sign face and/or supporting structure, which refers to a business, profession, commodity, service, activity, or use occupying the site more than six months after the date of such discontinuance; or which contains no sign copy on all sign faces for a continuous period of six months.
- 9.51 Division.** Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division.
- 9.52 Dog.** Any member of the *Canine familiaris* species.
- 9.53 Easement.** An authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

- 9.54 Electronic Signs.** A sign, or portion of a sign, that displays an electronically controlled and conveyed image or video, which may or may not include text. This definition includes, but is not limited to electronic text message signs, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays. Signs or portions of signs designed primarily for the display of time and temperature and on-premise electronic message centers are specifically excluded from this definition.
- 9.55 Equines.** Horses, ponies, mules, and burros.
- 9.56 Equivalent Service Unit or ESU.** A unit measurement based on the impervious surface area of an average improved single family dwelling lot or parcel within the city as determined by a statistical sampling performed by the city. "ESU rate" means the dollar value periodically determined and assigned to each ESU as a charge for storm water management services, and expressed as \$X.XX per ESU per month.
- 9.57 Euthanasia.** The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- 9.58 Existing Construction.** Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".
- 9.59 Existing Factory-Built Home Park or Subdivision.** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- 9.60 Expansion of Existing Factory-Built Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 9.61 Factory-Built Home.** Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of floodplain regulations factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- 9.62 Factory-Built Home Park.** A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- 9.63 Family.** One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 3 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:
- A.** Persons related by blood, marriage, or adoption;
 - B.** Persons residing with a family for the purpose of adoption;
 - C.** Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Iowa.

- D. Person(s) living with a family at the direction of a court.
- 9.64 Federal.** Pertaining to the Government of the United States of America.
- 9.65 Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- 9.66 Flood Elevation.** The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- 9.67 Flood Hazard Area.** Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.
- 9.68 Flood Insurance Rate Map (FIRM).** The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- 9.69 Floodplain.** Any land area susceptible to being inundated by water as a result of a flood.
- 9.70 Floodplain Management.** An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- 9.71 Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- 9.72 Floodway.** The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- 9.73 Floodway Fringe.** Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- 9.74 Forty-Acre Aliquot Part.** One-quarter of one-quarter of a section.
- 9.75 Frontage.** The length of a property line of any one premise abutting and parallel to a public street, private way, or court.
- 9.76 Government Lot.** A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
- 9.77 Gross Floor Area.** The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

- 9.78 Historic Structure.** Any structure that is:
- A.** Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C.** Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - D.** Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either
 - 1.** an approved state program as determined by the Secretary of the Interior; or
 - 2.** directly by the Secretary of the Interior in states without approved programs.
- 9.79 Hybrid.** Any offspring produced by breeding a domestic cat or domestic dog to an animal listed as a “dangerous animal, per se”.
- 9.80 Impervious Coverage.** The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.
- 9.81 Impound.** The act of placing an animal in an enclosure. To confine an animal within an enclosure. To seize and retain possession of an animal.
- 9.82 Improvements.** Changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.
- 9.83 Incidental sign.** An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a non-illuminated "closed" or "open" sign, emergency contact person name and telephone number, street address, "help wanted", "no loitering or solicitations", "we check IDs", security system notices, notices required by law, and similar information. Signs or portions of signs designed primarily for the display of time and temperature and on-premise electronic message centers are specifically included in this definition.
- 9.84 Inoperable Vehicle.** Any vehicle which does not have current vehicle registration tags or is not capable of lawful operation upon a public street or highway or has not moved by its own power for more than thirty (30) days, or any vehicle which because of its defective or obsolete condition, or rotted, rusted, or loose parts, or which in any other way constitutes a threat to the health and safety of citizens.
- 9.85 Kennel.** Any ‘boarding kennel’, ‘commercial kennel’, as defined in Chapter 162 of the Code of Iowa.
- 9.86 Kennel Dogs.** Dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to Chapter 162 of the Code of Iowa.

- 9.87 Landscaped Area.** The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
- 9.88 Limited Home Based Occupation.** An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site or have any external evidence of such use.
- 9.89 Livestock.** Farm animals, such as beef cattle, dairy cows, sheep, hogs, chickens and turkeys.
- 9.90 Lot.** A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the official land records of the City of Avoca. Each individual lot is subject to the provisions of a particular base Zoning District.
- A. Corner Lot.** A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
- B. Double Frontage Lot.** A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot).
- C. Interior Lot.** A lot other than a corner lot.
- D. Common Development Lot.** When two or more contiguous lots are developed as part of a Planned Unit Development or through a Horizontal Property Regime, these lots may be considered a single lot for purposes of this Code.
- 9.91 Lot Area.** The total horizontal area within the lot lines of a lot.
- 9.92 Lot Depth.** The mean horizontal distance measured between the front and rear lot lines.
- 9.93 Lot Line.** A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.
- A. Front Lot Line.** The front lot line is defined as follows:
1. The lot line separating a lot and a public or private street right-of-way or easement.
 2. For an interior lot, the lot line separating the lot from the right-of-way or easement.
 3. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the final plat.

- 4. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.
 - B. **Rear Lot Line.** The lot line which is opposite and most distant from the front line.
 - C. **Side Lot Line.** Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- 9.94 Lot Width.** The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
- 9.95 Lowest Floor.** The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Chapter 8.9 of this Code; and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - D. The enclosed area is not a "basement" as defined in this section.
 - E. In cases where the lowest enclosed area satisfies criteria A, B, C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- 9.96 Manager.** The City Manager of Avoca, Iowa.
- 9.97 Metes and Bounds Description.** A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
- 9.98 Minor Projects.** Small development activities (except for filling, grading and excavating) valued at less than \$500.
- 9.99 Necessary Medical Attention.** Supplying an animal with necessary medical attention when the animal is currently or has been, suffering from illness, injury, disease, excessive parasitism, excessive hair matting, malformed or overgrown hoof or similar conditions.
- 9.100 New Construction (new buildings, factory-built home parks).** Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

- 9.101 New Factory-Built Home Park or Subdivision.** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
- 9.102 Nonconforming Development.** A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Code but which complied with applicable regulations at the time of construction. No action can be taken which would increase the non-conforming characteristics of the lot.
- 9.103 Nonconforming Lot.** A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the non-conforming characteristics of the lot.
- 9.104 Nonconforming Sign.** A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the non-conforming characteristics of the lot.
- 9.105 Nonconforming Structure.** A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the non-conforming characteristics of the structure.
- 9.106 Nonconforming Use.** A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the non-conforming characteristics of the land use.
- 9.107 Non-Motorized Vehicles.** Any trailer or any other device that is not self-propelled.
- 9.108 Nuisance.** Any condition that 1) contributes to blight, or 2) is injurious to health, or 3) is indecent or offensive to the senses, or 4) is an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:
- A. Barking Dog.** The habitual barking, whining, yelping, howling, or other loud noises which cause serious or repeated annoyance to a surrounding property or properties.
 - B. Offensive Smells.** The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
 - C. Filth or Noisome Substance.** The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
 - D. Water Pollution.** The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

- E. **Blocking Public and Private Ways.** The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
- F. **Storing of Junk, Trash, or Rubbish.** The storing or accumulation of junk, such as old rags, rope, cordage, rubber, bones, and paper or the storing of solid waste, other than in the manner as required by Chapter 6.8 of this Code, including old appliances or parts thereof, vehicle or equipment parts, machinery that is not capable of operation or is junk, old iron or other metal, paper, cardboard, old lumber or wood, old mattresses or other furniture, and all other waste or discarded material or other junk which tend to be inflammable, harbor vermin and/or rodents, or which are otherwise conducive to hazard.
- G. **Trees, Vegetation, and Grass.** Trees, vegetation, and grass will constitute nuisances as follows:
 - 1. **Dead or Diseased Trees.** Any dead, diseased damaged or deteriorating trees that could fall or harbor insects or rodents.
 - 2. **Obstructing View at Intersections.** All trees or hedges which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.
 - 3. **Dense Growth.** Dense growth of all weeds, grass, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard, or which otherwise constitute a nuisance. For purposes of this paragraph, all growths of grass or weeds in excess of six inches (6") in height shall be deemed to be a nuisance.
 - a. **Exception to Dense Growth.** A bona fide Landscaped Area shall not be considered a nuisance provided the growth and appearance of the area is maintained appropriately.
 - 4. **Cottonwood Trees.** Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.
 - 5. **Tree Limbs.** All tree limbs that are less than eight (8) feet above the surface of any public sidewalk or are less than fourteen (14) feet above the traveled way of any public street.
- H. **Stagnant Water.** Stagnant water likely to afford breeding places for mosquitoes.
- I. **Obscenity.** Signs accessible to the general public containing statements, words, or pictures of an obscene or pornographic character.
- J. **Depositing Debris.** Depositing or permitting to be deposited dirt, debris, or other sedimentation resultant from grounds maintenance, grading, construction, demolition, or other activities onto public rights of way or into public storm sewers or drainage ways.
- K. **Snow and Ice left Standing on Sidewalks.** All snow and ice not removed from public sidewalks forty-eight (48) hours after the snow and ice have ceased being deposited thereon from one continuous event.

- L. Structures damaged by Fire or Decay.** All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.
- M. Lighting.** Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.
- N. Unguarded Machinery.** All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- O. Obstructing View of Streets.** All fences, billboards, or other obstructions, whether natural or man-made, including moveable objects, which materially impede persons from having an adequate view of the public street for the safe and prudent ingress and egress to or from a public street.
- P. Dilapidated Buildings.** Dilapidated building means any structure or mobile home meeting any of the following criteria:
1. **Manifestly Unsafe.** Whenever, for any reason, the building or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
 2. **Deterioration.** Whenever the building, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 3. **Damaged Structurally.** Whenever the building has been so damaged by fire, wind, earthquake or flood that repair costs would exceed 40% of the replacement value of the entire structure.
 4. **Nuisance Building.** Whenever the building has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 5. **Inadequacy.** Whenever a building is unfit for human use due to its condition of dilapidation, decay, damage, faulty construction or arrangement, lack of insulation, or inadequate light, air or sanitation facilities.
 6. **Fire Hazard.** Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.
 7. **Portion of Building or Accessory.** Whenever any portion of a primary building or accessory structure remains on a site after the demolition or destruction of the primary building.
 8. **Vacancy.** Whenever any building is left vacant for a period in excess of six (6) months, without being served by the public water utility or without necessary property maintenance being performed.

- 9. Damaged Vehicle.** Any vehicle not capable of lawful operation upon a public street or highway is a Damaged Vehicle. Damaged Vehicles shall not be stored on any property in the City, except for Damaged Vehicles kept on private property within an enclosed building or Damaged Vehicles kept on private property in conformance with the City Zoning Ordinance by a person licensed as an authorized vehicle recycler under the provisions of the Code of Iowa, Chapter 321H. One or more of the following conditions shall be presumptive evidence that a vehicle is not capable of lawful operation upon a public street or highway:
- a.** It is not equipped with one or more operable headlamps as required by Code of Iowa, Chapter 321.385.
 - b.** It is not equipped with one or more operable rear lamps when required by Code of Iowa, Chapter 321.387.
 - c.** It is not equipped with one or more operable signal lamps when required by the provisions of Code of Iowa, Chapter 321.404.
 - d.** It is not equipped with operable brakes when required by Code of Iowa, Chapter 321.430 and 321.431.
 - e.** It is not equipped with an operable horn when required by Code of Iowa, Chapter 321.432.
 - f.** It is not equipped with a muffler in good working order as required by Code of Iowa, Chapter 321.436.
 - g.** It is not equipped with adequate mirrors when required by Code of Iowa, Chapter 321.437.
 - h.** It is not equipped with a windshield and one or more windows as required by Code of Iowa, Chapters 321.438 and 321.444.
 - i.** It is not equipped with operable windshield wipers as required by the provisions of Code of Iowa, Chapter 321.439.
 - j.** It is not equipped with tires or when the tires attached to the vehicle do not meet the requirements of Code of Iowa, Chapter 321.440.
 - k.** It is not equipped with any other part the lack of which renders the vehicle inoperable.
 - l.** Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.
 - m.** Any vehicle which is not capable of moving in both forward and reverse gears.
 - n.** Any vehicle which because of its condition or method of storage constitutes a threat to public safety.
 - o.** Any other machinery which because of its condition or method of storage constitutes a threat to public safety.

- 10. Other Conditions.** Any other condition that is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.

9.109 Offensive Weapons. An offensive weapon is any device or instrumentality of the following types:

- A.** A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger, or
- B.** A short-barreled rifle or short-barreled shotgun. A short-barreled rifle or short-barreled shotgun is a rifle with a barrel or barrels less than sixteen inches in length or a shotgun with a barrel or barrels less than eighteen inches in length, as measured from the face of the closed bolt or standing breech to the muzzle, or any rifle or shotgun with an overall length less than twenty-six inches, or
- C.** Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefore, but not including antique weapons kept for display or lawful shooting, or
- D.** A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these, or
- E.** A ballistic knife. A ballistic knife is a knife with a detachable blade which is propelled by a spring-operated mechanism, elastic material, or compressed gas, or
- F.** Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections 1 to 5 of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms, or
- G.** Any bullet or projectile containing any explosive mixture or chemical compound capable of exploding or detonating prior to or upon impact, or any shotshell or cartridge containing exothermic pyrophoric misch metal as a projectile which is designed to throw or project a flame or fireball to simulate a flamethrower, or
- H.** Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles, or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device, or
- I.** An offensive weapon or part or combination of parts therefore shall not include the following:

1. An antique firearm. An antique firearm is any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire ammunition or which uses only rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.
2. A collector's item. A collector's item is any firearm other than a machine gun that by reason of its date of manufacture, value, design, and other characteristics is not likely to be used as a weapon. The commissioner of public safety shall designate by rule firearms which the commissioner determines to be collector's items and shall revise or update the list of firearms at least annually.
3. Any device which is not designed or redesigned for use as a weapon; any device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; or any firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition. or lawful activities require or permit such possession:

9.110 Official Plat. An auditor's plat or a subdivision plat that meets the requirements of this Chapter 8.10 and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

9.111 Off-Premises Sign. A sign which advertises goods, services, facilities, events, causes or attractions available at a location other than the premises where the sign is located.

9.112 Off-Road Vehicle. Any self-propelled vehicle which is manufactured, marketed, and sold primarily for off-highway use, which are typically only incidentally used on roadways, including but not limited to the following:

- A. **All-Terrain Vehicle.** Any three-wheel or four-wheel vehicle designed for operation off a roadway by an operator with no more than one passenger. Typical, but not determinative, characteristics include low-pressure tires, a single seat designed to be straddled by the operator or passenger or both, an unladen weight of 900 pounds or less, or handlebars for steering control.
- B. **Motorized Dirt Bike.** Any vehicle of three-wheels or less capable of cross-country travel on natural terrain without the benefit of a road or trail.
- C. **Go-Cart.** Any miniature vehicle capable of achieving speeds in excess of ten miles per hour, typically having a form of roll-bar, and commonly used on courses or racetracks specifically designed for such vehicles.
- D. **Snowmobile.** Any self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

9.113 One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

9.114 Operate. To ride in or on and have control of the operation of a vehicle.

9.115 Operator. Means every person who operates or is in actual physical control of a vehicle.

- 9.116 Original Parcel.** Forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before October 6, 1970.
- 9.117 Overlay District.** A district established to prescribe special regulations to be applied to a site only in combination with a base district.
- 9.118 Oversized Vehicle.** Any vehicle or off-highway vehicle (excluding recreational vehicles and boats) the length of which is greater than two hundred thirty (230) inches or the width of which is over eighty-two (82) inches or the height of which is over eighty-two (82) inches or the weight of which exceeds eight thousand (8,000) pounds.
- 9.119 Owner.** The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf. (or) Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for more than seven (7) consecutive days other than veterinary hospital, licensed kennel or animal shelter.
- 9.120 Parcel.** A part of a tract of land.
- 9.121 Park or Parking.** The standing of a vehicle, whether occupied or not, other than while actually engaged in loading or unloading merchandise or passengers.
- 9.122 Performance Bond.** A surety bond or cash deposit made out to the City of Avoca, Iowa, in an amount equal to one-hundred twenty percent (120%) of the full cost of the improvements which are required by Chapter 8.10, said cost estimated by the City Engineer and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with Chapter 8.10.
- 9.123 Permanent Real Estate Index Number.** A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.
- 9.124 Permitted Use.** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of Chapter 8.8.
- 9.125 Person.** An individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
- 9.126 Personal Vehicles.** Personal vehicles include, but are not limited, to passenger cars, vans, and pick-up trucks for personal use.
- 9.127 Planned Unit Development.** A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- 9.128 Plat.** A map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that said subdivider submits for approval and intends, in final form, to record.
- 9.129 Plat of Survey.** The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

- 9.130 Political Sign.** A temporary sign designed to attract support for a particular candidate, political party, or political issue or to express an opinion on any matter of public interest.
- 9.131 Porch, Unenclosed.** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
- 9.132 Portable Sign.** Any sign attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
- 9.133 Principal Use.** The main use of land or structures as distinguished from an accessory use.
- 9.134 Projecting Sign.** A sign that is attached to and is perpendicular to a building face.
- 9.135 Proprietor.** A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
- 9.136 Public Property.** Any and all property owned or held in trust by the City or another governmental entity.
- 9.137 Public Right-of-Way.** The boundaries within which the public has a right to travel, even though the property in question may be privately owned. For example, ownership of a city lot may extend to the curb, but there may be public right-of-way along the sidewalk on private land.
- 9.138 Public Way.** Street, alley, boulevard, parkway, highway, sidewalk, or other place where the public has access and which is at least 10 feet in width.
- 9.139 Recreational Vehicle.** Any vehicle primarily designed for recreational use or for temporary living quarters that are incidental to recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Typical examples include motor home or coach, travel trailers, camping or tent trailer, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle and trailers under twenty feet in length.
- 9.140 Residential district.** Any property or group of properties designated by a residential zoning classification on the official City of Avoca zoning maps.
- 9.141 Residential or School District.** Residence district means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business. School district means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a schoolhouse.
- 9.142 Residential Sign.** A sign, located on a residential premise, typically conveying the name of the property owner(s), the address of the property, and other such information. A residential sign may contain reference to a permitted Home Based Business provided such reference does exceed one foot in height and two feet in width.
- 9.143 Re-subdivision.** Any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
- 9.144 Roof Sign.** Any sign or part of a sign erected upon, against, or over the roof or on top of or above the parapet or cornice of a building.

- 9.145 Routine Maintenance of Existing Buildings and Facilities.** Repairs necessary to keep a structure in a safe and habitable condition. Such repairs include:
- A.** Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - B.** Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C.** Basement sealing;
 - D.** Repairing or replacing damaged or broken window panes;
 - E.** Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- 9.146 Safety Easement.** That area of the public right-of-way between the lot line and the curb line or street edge, where curbs do not exist. This area may be used for, but is not limited for, sidewalks, driveway approaches, utility easements, and tree plantings.
- 9.147 Screening.** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of Chapter 8.8.
- 9.148 Seal.** The City Seal of the City.
- 9.149 Service Animals.** Any animal which is owned by a person who is disabled and that has been properly trained at a special school to guide its owner in going from place to place.
- 9.150 Setback.** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
- 9.151 Sign.** A symbolic, visual device fixed upon or supported by a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea. This definition shall not include festival or holiday decorations; the use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devices; legal notices; scoreboards; memorial signs or tablets; emblems of religious institutions that are attached to buildings; building names structurally integrated into the surface of a building; and customary displays of merchandise or objects and materials placed behind a store window.
- 9.152 Site Plan.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably be requested by the City in order that an informed decision can be made on the associated request.
- 9.153 Snowmobile.** A snowmobile is self-propelled vehicle weighing less than one thousand (1,000) pounds which utilizes wheels with low pressure pneumatic tires and is designed to operate on land or ice or is equipped with sled-type runners or skis, endless belt-type tread, or any combination thereof, and is designed for travel upon snow, land or ice.

- 9.154 Sound Level Meter.** Sound level meter means an instrument, including a microphone, amplifier, output meter and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI. 4-1971, or its successor publication.
- 9.155 Special Flood Hazard Area.** The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.
- 9.156 Start of Construction.** Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- 9.157 State.** The State of Iowa.
- 9.158 State Law.** A current statute of the Code of Iowa as enacted by the General Assembly or an administrative rule of the State of Iowa.
- 9.159 Street.** Public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
- 9.160 Street, Arterial.** A street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
- 9.161 Street, Collector.** The term "Collector Street" shall mean a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
- 9.162 Street, Local.** The term "Local Street" shall mean a street primarily designed to provide access to abutting property.
- 9.163 Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
- 9.164 Subdivider.** The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
- 9.165 Subdivision.** The accumulative effect of dividing an original lot, tract, or parcel of land, as of October 6, 1970 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a re-subdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

- 9.166 Subdivision Plat.** The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.
- 9.167 Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed forty (40) percent of the market value of the structure before the damage occurred.
- 9.168 Substantial Improvement.** For purposes of Chapter 8.9, any improvement to a structure which satisfies either of the following criteria:
- A.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds forty (40) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - 1. Exceptions.** The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - B.** Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- 9.169 Suburban District.** A suburban district means all other parts of the City not included in the business, school, or residence districts. A speed in excess of forty-five (45) miles per hour in any suburban district is unlawful.
- 9.170 Surveyor.** A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B of the Code of Iowa.
- 9.171 Temporary Signs.** A sign, flag, banner, pennant, or valance constructed of lightweight materials which is intended for display for a limited period of time.
- 9.172 Townhouse.** A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
- 9.173 Tract.** An aliquot part of a section, a lot within an official plat or a government lot.
- 9.174 Traffic Control Device.** Traffic control device means all signs, signals, markings, and devices not inconsistent with Chapter 3, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways. Traffic control devices include the following:

- A. **Stop Sign.** Octagonal sign requiring a vehicle to completely cease movement before entering a crossing a public way, even if no other vehicle is present, or
 - B. **Yield Sign.** Triangular sign requiring a vehicle to yield the right-of-way to another vehicle(s), with such yield to include stopping if necessary to allow the other vehicle(s) to pass, or
 - C. **Speed Limit Signs.** Rectangular sign providing the maximum or minimum speed a vehicle is permitted to travel any portion of a roadway regulated by the sign, or
 - D. **Crosswalks.** A portion of a roadway, marked off by two parallel white stripes, which provides that pedestrians have a right-of-way to cross as this portion of the roadway.
 - E. **One-Way Signs.** A rectangular, but vertically orientated sign which restricts vehicular travel to one designated direction on any portion of a roadway regulated by the sign.
- 9.175 Use.** The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- 9.176 Utilities.** The systems for the distribution or collection of water, gas, electricity, wastewater and storm water.
- 9.177 Variance.** A grant of relief by a community from the terms of the floodplain management regulations.
- 9.178 Wall Sign.** A sign attached to and parallel with the side of a building.
- 9.179 Weighted Sound Level.** A weighted sound level (sound l) means the sound pressure level in decibels as measured on a sound level meter using the A weighting network. The level so read shall be designated dB(A) or dBA.
- 9.180 Yard; Required.** That portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by Chapter 8.8.
- A. **Front Yard.** The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:
 1. The yard along the blockface to which a greater number of structures are oriented; or
 2. The yard along a street that has the smaller horizontal dimension.
 - B. **Rear Yard.** The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
 - C. **Side Yard.** The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
 - D. **Street Side Yard.** On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

9.181 Zoning District. A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in Chapter 8.8.

9.182 Zoonosis. Any disease of animals communicable to humans.