

## Miscellaneous Record, No. 237, Henry County, Iowa

KOLB BROTHERS, DES MOINES, IOWA

No. 3794 ORDINANCE

Filed for record Sept. 10, 1954 at 8:03 AM

City of Mt. Pleasant

Recorded Sept. 10, 1954 Fee \$3.80 ✓

to

Helen M. Virden ..... County Recorder

Public

Deputy *Beverly S. Whaley*

ORDINANCE NO. 247

AN ORDINANCE ESTABLISHING THE FIRE LIMITS OF THE CITY OF MOUNT PLEASANT, IOWA; MAKING REGULATIONS FOR PROTECTION AGAINST FIRE; PROHIBITING WITHIN SUCH LIMITS THE ERECTION OF BUILDINGS, ADDITIONS THERETO OR SUBSTANTIAL ALTERATIONS THEREOF, NOT CONSTRUCTED OF FIRE-PROOF MATERIALS, AS PROVIDED BY THIS ORDINANCE; PROVIDING THAT WITHIN SUCH LIMITS NO BUILDING, OR ADDITION THERETO, SHALL BE ERECTED, REPAIRED OR SUBSTANTIALLY ALTERED WITHOUT A PERMIT THEREFOR; PROVIDING FOR THE REMOVAL OR DESTRUCTION OF ANY BUILDING ERECTED, REPAIRED OR ALTERED IN VIOLATION WITH THE PROVISIONS HEREIN; PROVIDING FOR THE CONDEMNATION OF WOODEN BUILDINGS WITHIN SAID LIMITS THAT HAVE BECOME OLD AND OUT OF REPAIR; AND PROVIDING PUNISHMENT BY FINE AND IMPRISONMENT FOR VIOLATION OF ITS PROVISIONS.

Be it Ordained by the City Council of the City of Mount Pleasant, Iowa:

Section 1. That the following fire limits are hereby established within the City of Mount Pleasant, Iowa: All that area of the City of Mount Pleasant enclosed within the following boundaries:

Beginning at a point where the center line of Clay Street intersects the center line of Jackson Street in said City, and running thence northerly along the center line of Jackson Street to a point where the same intersects the center line of Washington Street; thence westerly along the center line of Washington Street to a point where the center line of Washington Street intersects the center line of White Street; thence northerly along the center line of White Street to a point where the center line of White Street intersects the center line of Monroe Street; thence easterly along the center line of Monroe Street to a point where the center line of Monroe Street intersects the center line of Jackson Street; thence northerly along the center line of Jackson Street to a point where the center line of Jackson Street intersects the center line of Madison Street; thence easterly along the center line of Madison Street to a point where the center line of Madison Street intersects the center line of Jefferson Street; thence northerly along the center line of Jefferson Street to a point where the center line of Jefferson Street intersects the center line of Henry Street; thence easterly along the center line of Henry Street to a point where the center line of Henry Street intersects the center line of an alley running north and south through Block 13 of the Original Plat of the City of Mount Pleasant; thence southerly along the center line of said alley to a point where the center line of said alley intersects the center line of Madison Street; thence easterly along the center line of Madison Street; thence easterly along the center line of Madison Street to a point where the center line of Madison Street intersects the center line of Harrison Street; thence southerly along the center line of Harrison Street to a point where the center line of Harrison Street intersects the center line of Clay Street; thence westerly along the center line of Clay Street to a point where the center line of Clay Street intersects the center line of Adams Street; thence southerly along the center line of Adams Street to a point where the center line of Adams Street intersects the center line of Warren Street; thence westerly along the center line of Warren Street to a point where the center line of Warren Street intersects an alley running north and south through Block 12 of the Original Plat of the City of Mount Pleasant; thence northerly along the center line of said alley to a point

Section 2. That within the limits, described in Section 1, no building or structure of any kind shall be erected unless its roof shall be made of metal, tile, slate, gravel or other such material as is deemed fire proof and non-combustible by the regulations of the National Board of Fire Underwriters.

Section 3. That within the above described limits no building or structure of any kind shall be erected unless the outer walls of same are constructed of brick, iron, stone or concrete, and under the specifications hereinafter provided.

Section 4. The footings of the walls of buildings to be erected within the fire limits shall not be less than 12 inches in thickness and of such width as will give a bearing stress of not to exceed a pressure of 4000 pounds per square foot.

Section 5. The main thickness of basement walls of buildings erected within said limits shall be as follows: For one, two or three story buildings, 16 inches, for four story buildings, 20 inches. The main thickness of walls above the basement shall be for one, two and three story buildings, 12 inches, for four story buildings, for the first and second stories, 16 inches; and for the third and fourth stories, 12 inches.

Section 6. The requirements herein stated are intended to guide the City Council in passing upon the plans submitted for business buildings within the fire limits, and nothing in this Ordinance shall prevent the City Council from permitting the construction of one-story buildings of less importance with walls of less thickness than hereinbefore provided.

Section 7. Party walls shall be solid and of the thickness set forth in Section 5, hereof, and shall be carried three feet above the roof forming fire walls of not less than 8 inches in thickness and shall have copings of tile or other fire-proof material.

Section 8. Shutters, windows and doors opening upon alleys and upon roofs of buildings, immediately adjoining, shall be protected by tin or metal coverings or shall be made of tin or metal material. Chimney flues shall be lined with brick, tile or cast iron.

Section 9. Blind attics, cook lifts or other concealed places of like nature are hereby prohibited. All joists must be leveled upon brick, iron or steel plates or some other fire-proof material.

Section 10. Within the above described fire limits, no building or structure or addition thereto, shall be erected or constructed, nor shall any building or structure be repaired, altered, reconstructed or rebuilt without there is first obtained from the City Council a permit therefor.

Section 11. Any person, firm or corporation desiring to build a building within the fire limits shall make written application to the City Council describing the location of the proposed building or addition thereto, or the one which is to be repaired, altered or reconstructed, and in connection therewith shall file in the office of the City Manager a copy of the plans and specifications therefor. Each application must be accompanied by an inspection fee of \$5.00 to compensate the City for investigating the applicant and the application.

Section 12. The Council, at the next regular meeting, after the filing of the said application shall consider the same, and if it finds that the plans and specifications comply with the provisions of this Ordinance, it shall grant the permit. If said plans and specifications do not, in the judgment of the City Council, comply with the provisions of this Ordinance, the permit shall be denied unless the applicant shall amend the same

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Section 12. The Council, at the next regular meeting, after the filing of the said application shall consider the same, and if it finds that the plans and specifications comply with the provisions of this Ordinance, it shall grant the permit. If said plans and specifications do not, in the judgment of the City Council, comply with the provisions of this Ordinance, the permit shall be denied unless the applicant shall amend the same to conform with the provisions of this Ordinance, or with the orders and directions of the Council

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Section 13. Removing any building, or addition thereto, into the fire limits or from one part of the fire limits to another part, shall be deemed an erection and the same is prohibited unless a permit therefor is obtained from this Council, and the said building when moved shall be made to conform to the provisions of this Ordinance.

Section 14. Minor repairs and alterations to any building within the fire limits not involving partial rebuilding, may be permitted by the City Council providing that, in the judgment of the Council, such repairs and alterations do not increase the fire hazard in that particular location. Repairs and alterations involving an expense of more than twenty per cent (20%) of the then value of said building shall not be deemed minor.

Section 15. Any frame or other building within the said fire limits, which does not comply with the provisions of this Ordinance which may be damaged by fire, wind, decay or other causes to an amount greater than fifty per cent (50%) of its value, exclusive of its foundation, shall not be repaired or rebuilt, but the same shall be removed or demolished.

Section 16. Any other building within the fire limits which becomes old and out of repair may be declared by the Council to be a fire hazard and nuisance, and the City Council, upon reasonable notice to the owner thereof may condemn it and order it removed or demolished.

Section 17. Any person, firm or corporation violating any of the provisions of this Ordinance, or who having obtained a permit for the erection or repair of a building shall erect or repair it contrary to and in violation of the terms of the permit or the plans approved, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed One Hundred Dollars (\$100.00) and costs and shall be committed to the City or County jail until such fine or costs are paid not to exceed thirty (30) days, or without such fine may be imprisoned in the City or County jail not to exceed thirty (30) days.

Section 18. Any building or addition thereto, erected, repaired or altered within the fire limits in violation of the provisions of this Ordinance, or erected, repaired or altered without a building permit having been issued shall be subject to removal or destruction upon the order of the Council, and the owner of such building shall pay the costs of such removal or destruction, the same to be specially assessed against the real estate upon which the said building is located, or the same to be collected by action in the district court. -3-

Section 19. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 20. This Ordinance shall be in force and effect from and after its passage and publication as provided by law.

Rudolph Eckey Mayor

The above Ordinance was passed and adopted by the City Council this 4th day of November, 1953, and signed by the Mayor this 4th day of November, 1953.

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I, Rama Challen, being first duly sworn on oath depose and certify that I am the  
(Witnesses Oct. 6-1954-HMV)  
duly elected and acting City Clerk of the City of Mount Pleasant in the County of Henry, State of Iowa; that I have in my possession the corporate records of the City: that I have carefully compared the Ordinance hereto attached with the afore-said corporate records and that said Ordinance is a true, correct and complete copy of Ordinance No. 247 of the City of Mount Pleasant, Henry County, Iowa; and I further certify that the ef-

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fective date of said Ordinance is September 10, 1954.

Witness my hand and corporate seal of the City hereto affixed at Mount Pleasant, Iowa, this 10th day of September, 1954.

(SEAL)  
Rama C. Challen  
City Clerk

STATE OF IOWA

COUNTY OF HENRY SS.

Subscribed and sworn to before me by Rama Challen this 10th day of September, 1954.

(SEAL) Thomas F. Bell Notary Public

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No. 3795 ORDINANCE

Filed for record Sept. 10, 1954 at 8:03 AM

City of Mt. Pleasant

Recorded Sept. 10, 1954 Fee \$15.60 ✓

to

Helen M. Virden ..... County Recorder

Public

Deputy

*Ramona G. Whaley*

ZONING ORDINANCE - MT. PLEASANT, IOWA  
ORDINANCE NO. 251

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PROPORTION OF A LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, AND THE DENSITY OF POPULATION; ESTABLISHING THE BOUNDARIES OF DISTRICTS BEST SUITED TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE; REQUIRING THE ISSUANCE OF BUILDING PERMITS BEFORE THE ERECTION, CONSTRUCTION, RECONSTRUCTION, CONVERSION, ALTERATION OR MOVING OF A BUILDING OR STRUCTURE; DEFINING CERTAIN TERMS; PROVIDING FOR A MANNER OF AMENDMENT TO THIS ORDINANCE; PROVIDING A METHOD OF ENFORCEMENT AND ADMINISTRATION OF THE REGULATIONS HEREOF; PROVIDING FOR APPEALS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF; AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, the City Council of the City of Mt. Pleasant, Iowa, deems it necessary in order to lessen congestion in the street; to secure safety from fire, panic and other dangers; to promote morals, health and the general welfare; to provide adequate light and air; to avoid undue concentration of population; to prevent the overcrowding of land; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements; and to conserve the value of property and encourage the most appropriate use of land throughout the City in accordance with a comprehensive plan;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Mt. Pleasant, Iowa

#### SECTION 1 - SHORT TITLE

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance to the same effect as if the full title were stated.

#### SECTION 2 - INTERPRETATION AND PURPOSES

It is not intended by this Ordinance to annul, repeal, or in any way interfere with existing provisions of easements, covenants, or other agreements between parties or which shall be adopted pursuant to law relating to the use of buildings or premises. However, provided that where this Ordinance establishes a greater restriction upon the use of premises or the use or heights of buildings, or requires larger courts, yard or open spaces than are required by existing provisions of law, ordinances, regulations or permits, the provisions of this Ordinance shall control.

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2025 RELEASE UNDER E.O. 14176

## SECTION 3 - DEFINITIONS

For the purpose of this Ordinance, words and phrases used herein are hereby defined. All words used in the present tense shall include the singular and the singular, the plural; the word, "building" shall include the word, "structure. The word, "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally.

1. Accessory Building: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

2. Administrative Officer: The individual designated by the City Council to administer the Zoning Ordinance, and who is responsible for the enforcement of the regulations imposed by said Ordinance.

3. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

4. Apartment House: See Dwelling, Multiple.

5. Basement: A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

6. Block: That property abutting on one side of a street and lying within the two nearest intersecting or intersecting streets, or nearest intersecting or intersecting streets and undivided acreage or railroad right-of-way.

7. Boarding House: See Lodging House.

8. Buildable Width: The distance between the inner boundaries of the two required side yards.

9. Building: Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattel. When any portion thereof is separated by party walls without any window, door or other openings, each portion so separated shall be deemed a separate building.

10. Building, Height of: The vertical distance from the level of the adjoining ground to the highest point of the roof beams in the case of flat roofs, or to the mean height level between eaves and ridge in the case of pitched roofs. Where a building is located on a corner lot, and there is more than one grade or level, the measurement shall be taken from the main entrance grade.

11. Cellar: A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

12. Court: An open, unobstructed and unoccupied space other than a yard, which is bounded on two or more sides by a building on the same lot.-2-

13. District: A section or sections of the area of the City of Mt. Pleasant for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

14. Dwelling: Any building, or portion thereof, which is designed or used for residential purposes.

15. Dwelling, Single-family: A dwelling designed for or occupied exclusively by one family.

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16. Dwelling, Two-family: A building designed for or occupied exclusively by two families.
17. Dwelling, Multiple: A building designed or used as a residence by three or more families living independently of each other, including apartment houses or apartment hotels and flats.
18. Family: A group of individuals living and cooking together on the premises as one (1) housekeeping unit, but a family shall not include a group or more than four (4) individuals not related by blood or marriage.
19. Filling Station: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuels or oils or minor automobile accessories. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
20. Garage, Private: An accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business, service or industry connected with motor vehicles is carried on other than leasing of space for the housing of vehicles. Space for not more than three (3) motor vehicles may be leased to other than residents on the premises.
21. Garage, Public: Any building or portion of a building, except those used as a private garage, used for equipping, repairing, hiring, selling or storing of motor-driven vehicles.
22. Junk Yard: An area of any lot which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobiles or other vehicles, or parts thereof.
23. Lodging House: A building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20), persons not members of the family there residing.
24. Lot: A parcel of land occupied or intended for occupancy by a use perm in this Ordinance, including one (1) main building together with its accessory buildings open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street. -3-
25. Lot, Corner: A lot upon which at least two adjacent sides abut upon a street.
26. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
27. Lot, Double Frontage: An interior lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
28. Lot, Interior: A lot other than a corner lot.
29. Lot line: Property line bounding a lot.
30. Lot of Record: A lot or parcle of land, the deed of which has been recorded in the office of the County Recorder of Henry County, Iowa, prior to the adoption of this Ordinance.
31. Non-conforming Use: Lawful use of a building or land at the time of the enactment of this Ordinance or amendment thereto, which use does not conform with the provisions of this Ordinance for the District in which it is located.
32. Parking Lot or Parking Area: A parcel of land devoted to unenclosed parking spaces.
33. Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a surfaced driveway connecting the park-

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LOCAL ORDINANCES, ETC., HUNTER, IOWA

- ing space with a street or alley and permitting ingress and egress of an automobile.
34. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
35. Story-half: That portion of a building between the eaves and the ridge-line of pitched roofs.
36. Street: Any public or private thoroughfare other than an alley, which affords access by the public to abutting property, including boulevard, highway, road, avenue, place, lane, drive or way.
37. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
38. Structural Alterations: Any change in the supporting members of a building, such as columns, bearing walls, girders or beams.
39. Trailer Coach: Any vehicle used, or maintained for use upon highways or City streets, said coach being so designed and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one or more persons and having no foundation other than wheels, jacks or blocks.
40. Trailer Park: Any place where one or more trailer coaches used for human habitation are temporarily or permanently parked, placed or located, except where the owner of a trailer temporarily parks same in the yard of his private home.
41. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.
42. Yard, Front: A yard extending across the full width of the lot lying between the front line of the lot and the nearest line of the main building other than unenclosed porches, steps, or unenclosed balconies.--4-
43. Yard, Rear: A yard extending across the full width of the lot, and lying between the rear line of the lot and the nearest line of the main building, other than unenclosed porches, steps or unenclosed balconies.
44. Yard, Side: A yard between the side lot line and the building, extending from the front yard to the rear yard.

## SECTION 4 - GENERAL REGULATIONS AND PROVISIONS

1. Except as hereinafter provided, no building or premises shall hereafter be used, and no building shall be extended, erected, converted, moved, rebuilt or altered except in conformity with all the District regulations established by this Ordinance for the district in which it is to be located and until a building permit has been secured from the Administrative Officer as provided herein.
2. No building in the rear of any principal building on the same interior lot shall be used for residence purpose:
3. Not more than two (2) dwellings are permitted on any lot, tract or parcel of land until the same has been subdivided according to Iowa Statute.
4. No lot shall hereafter be so reduced in area that any required yard, court or other open space will be smaller than is prescribed in this Ordinance for the district in which it is located.
5. No lot, tract or parcel of land in a residence district shall hereafter be platted or reduced to an area of less than six thousand (6,000) square feet, or to an average width of less than sixty (60) feet.



6. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot, and no yards or other open space about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building.

7. Any addition to the incorporated area of the City resulting from annexation by the City of Mt. Pleasant or otherwise shall be automatically classified as in the "A" Residence District until otherwise classified by amendment.

8. Whenever any street, road or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, road or public way shall be extended automatically to the center of such vacation and all area included in the vacation shall be subject to all the regulations of the extended district

9. If actual construction has been started on any building at the time of the passage of this Ordinance, nothing contained herein shall require any change in the plans, construction or designated use of any such building or part thereof. -5-

#### SECTION 5 - ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

##### 1. Districts

For the purpose of this Ordinance, the City of Mt. Pleasant, Iowa, is hereby divided into six (6) districts, and said districts shall be known as:

"A" Residence District

"B" Residence District

"R" Retail Business District

"C" Commercial District

"D" Commercial and Light Industrial District

"E" Heavy Industrial District

##### 2. Maps

The boundaries of these districts are hereby established and designated upon the accompanying map to be known as the Zoning Map of Mt. Pleasant, Iowa, and which map, with all its designations and information, is hereby made a part of this Ordinance as if the same were fully set forth herein. The Zoning Ordinance and Zoning Map are on file in the office of the Clerk of the City of Mt. Pleasant.

Where there is uncertainty as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

a. Where boundaries are shown as approximately following street, alley or lot lines, such street, alley or lot lines shall be interpreted to be the boundary of the district.

b. Where the distance to any District Boundary line from a street or alley line is indicated on the Zoning Map, such measurement shall control.

#### SECTION 6 - USE REGULATIONS FOR "A" RESIDENCE DISTRICT

Within any "A" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted.

1. Single or two-family dwellings. Nothing herein shall prohibit the serving of meals, the renting of rooms, or both, to four (4) or less persons not members of the family there residing, provided there is no display of advertising. Not more than two (2) families may occupy a dwelling in this district.

2. Churches, public schools and colleges, public libraries, public museums and hospitals.

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3. Cemeteries, provided that, after public notice and public hearing held by the City Council, the establishment of such use shall meet the approval of the City Council.

4. Public playgrounds, parks and fair grounds. -6-

5. Golf courses, but not including miniature courses or practice driving tees operated for commercial purposes.

6. Municipal, state or federal buildings.

7. Farms, truck gardens, orchards, nurseries, green houses and wood lots,

8. Accessory buildings and accessory uses customarily incident to any of the above uses not involving the conduct of a buisness, including one private garage.

9. Real Estate signs, announcement signs and bulletin boards, as provided in Section 17.

### SECTION 7 - USE REGULATIONS FOR "B" RESIDENCE DISTRICT

Within any "B" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted.

1. Any use permitted in the "A" Residence District.
2. Multiple-family dwellings.
3. Offices or studios of professional persons, including physicians, surgeons, dentists, lawyers, architects, engineers, chiropractors, osteopaths, and artists, funeral homes and convalescent homes, provided there be no advertising other than one (1) sign which may be illuminated but shall not be an intermittent flashing type, and shall not exceed twenty (20) square feet in area; provided parking is furnished as set forth in Section 19; provided that any such building shall include no features of design not customary in buildings for residential use; and further provided that the building or premises so occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance or the emission of odor, gas, smoke, dust or noise.

4. Boarding or lodging houses, subject to advertising and parking regulations as set forth in this Ordinance.
5. Clinics, sanitariums, dispensaries, lodges, fraternal and veterans' organizations and charitable institutions (except penal or corrections institutions).

### SECTION 8 - USE REGULATIONS FOR "R" RETAIL BUSINESS DISTRICT

Within any "R" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in a Residence District.
2. Bakeries.
3. Banks.
4. Barber shops or beauty parlors.
5. Bottling Plants.
6. Bus Stations. -7-
7. Electrical and shoe repair shops.
8. Filling Stations.
9. Heating and plumbing shops provided the display, service and storage of all products and items are conducted within/<sup>a</sup>building.

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10. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised.
11. Interior decorating shops.
12. Laundry and dry cleaning establishments.
13. Messenger or telegraph service stations.
14. Photographic gallery.
15. Printing Shops.
16. Professional and business offices.
17. Public garages, provided the repair, storage and equipping of both new and used cars and vehicles are conducted within a building. However, the display for sale purposes of new and used cars and vehicles need not be conducted within a building.
18. Restaurants.
19. Sales and service of farm implements, provided the repair, storage and equipping of same are conducted within a building. However, the display for sale purposes of new and used farm implements need not be conducted within a building.
20. Service establishments only when totally enclosed within a building and which are not objectionable due to the emission of odor, smoke, dust, gas or noise.
21. Theatres.
22. Trailer parks subject to all the provisions of all existing ordinances of the City of Mt. Pleasant, motels, tourist courts and cabin camps provided, that after public hearing held by the City Council, the establishment of any such use shall meet the approval of the City Council.
23. Conduct of a retail business (except those listed in Section 9) entirely within a building.
24. Advertising signs as provided in Section 17.
25. Hatcheries.

SECTION 9 - USE REGULATIONS FOR  
"C" COMMERCIAL DISTRICT

Within any "C" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in the "R" District.
2. Amusement enterprises such as dance halls and skating rinks.
3. Creameries and ice cream plants.
4. Hotels.           -8-
5. Lumber yards and other building material yards.
6. Milk Collecting depots.
7. Taverns, provided they comply with all existing ordinances of the City of Mt. Pleasant, Iowa.
8. Tinsmithing and blacksmith shops.
9. Warehouse
10. Wholesale establishments.
11. Bill boards and advertising signs provided they conform to all existing ordinances of the City of Mt. Pleasant, Iowa.

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COPY - BUSINESS, USES, HOUSES, ETC.

SECTION 10 - USE REGULATIONS FOR  
"D" COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT

Within any "D" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in the "C" District except taverns.
2. Coal yards and the storage of other fuels.
3. Grain elevators.
4. Railroad freight and passenger stations and grounds.
5. Truck terminals.
6. Any other commercial enterprise which is not noxious or offensive due to the emission of odor, gas, dust, smoke or noise, and which will not substantially or permanently injure the appropriate use of neighboring property, provided all storage of equipment and products is conducted within a building. This shall not prohibit the display on the lot of products sold by the establishment.
7. Any light manufacturing or light industry which is carried on entirely within buildings, which is not noxious or offensive due to the emission of odors, gas, smoke, dust or noise, and which will not substantially or permanently injure the appropriate use of neighboring property, provided all storage of equipment and products is conducted within a building. This shall not prohibit the display on the lot of products sold by the establishment.

SECTION 11 - USE REGULATIONS FOR  
"E" HEAVY INDUSTRIAL DISTRICT

Within any "E" District, as indicated on the Zoning Map, only the following premises or building uses shall be permitted:

1. Any use permitted in the "D" District.
2. Any heavy industrial or manufacturing use, provided that any use that would be objectionable by reason of dust, gas, smoke, noise, odor, vibration, soot or explosion would require a permit from the City Council. Included among these uses requiring a special use permit are the following:

Cement, lime, gypsum or plaster of paris manufacture; acid manufacture; manufacture or storage of explosives; fertilizer or glue manufacture; garbage, offal dead animal reduction or dumping; fat rendering or distillation of bones; petroleum refining, smelting of tin, copper, zinc or iron ores; stockyards or slaughter of animals.

## SECTION 12 - FRONT YARDS

1. Except as specified in paragraph 3 herein, any "A" or "B" District, the building line shall not be less than twenty (20) feet distant from the front lot line. The term, "building line," shall mean the line of the outside wall of the building or any enclosed projection thereof nearest the street. Steps and/or unenclosed porches may project beyond the building line, but such steps and/or unenclosed porches shall not be nearer than ten (10) feet to the front lot line.
2. In any "R" District, the building line shall<sup>not</sup> be less than twenty (20) feet distant from the front lot line.
3. In any "A" or "B" District, whenever thirty (30) per cent or more of the frontage on one side of a street in any block has been built up with buildings having a front yard, then the building line of buildings to be erected shall<sup>not</sup> be less than that of the natural building line of the block as determined by existing buildings.

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4. Interior lots in any "A", "B" or "R" District having a frontage on two (2) streets shall comply with the building line or front yard requirement of each street as required in Paragraphs 1, 2 and 3 of this section.
5. In a "C", "D" or "E" District which adjoins a Residence District within the same block, the front yard requirements are the same as specified in Paragraphs 1 and 3 of this section.
6. No detached private garage or accessory building may occupy any portion of a front yard as required in the preceding paragraphs.
- SECTION 13 - SIDE YARDS
1. In any "A" or "B" District, there shall be a side yard on each side of each principal building. Except as specified in Paragraphs 2 and 4 herein, the side yard for a principal building in any "A" or "B" District shall be at least five (5) feet in width, which side yard shall be increased in width at least three (3) feet for each additional story that a building exceeds one (1) story in height.
2. The required minimum width of side yards for a church, school, library, museum, hospital or similar building in any "A" or "B" District shall be ten (10) feet, which side yards shall be increased four (4) inches in width for each foot that any such building exceeds fifteen (15) feet in height. Church steeples, or towers or spires shall be excluded from this requirement.
3. On corner lots in any "A" or "B" District, the side yard regulations shall apply to the street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the setback required in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
4. In any "A" or "B" District, a lot having a width of less than fifty (50) feet and of record at the time of the enactment of this Ordinance, shall provide side yards of at least four (4) feet in width. However, the provisions of Paragraphs 2 and 3 of this section shall apply.
5. The side yard requirements of a lot in a "R", "C", "D" or "E" District adjoining a Residence District along its side lot line, shall be at least five (5) feet in width on that side of the lot adjoining the Residence District.
6. In a "R", "C", "D" or "E" District, dwellings shall have side yards of at least four (4) feet in width.
- SECTION 14 - REAR YARDS
1. In any "A", "B", or "R" District, there shall be a rear yard of not less than twenty-five (25) feet. An accessory building may occupy not more than forty (40) per cent of a required rear yard.
2. One-half the width of an alley in the rear of a lot may be included as a part of the rear yard.
3. Dwellings in a "C", "D" or "E" District shall provide rear yards of not less than twenty-five (25) feet. An accessory building may occupy not more than forty (40)

## SECTION 15 - AREA REGULATIONS

1. In any "A" District, every dwelling hereafter erected shall provide a lot area of not less than six thousand (6,000) square feet per family for single-family dwellings, or three thousand (3,000) square feet per family for two-family dwelling.
2. In any "B" District, every dwelling hereafter erected shall provide a lot area of not less than six thousand (6,000) square feet per family for single-family dwellings, three thousand (3,000) square feet per family for two-family dwellings, and two thousand (2,000) square feet per family for multiple-family dwellings.
3. In any "A" or "B" District, where a lot has less area or width than herein required, and was of record at the time of the enactment of this Ordinance, that lot may be used only for single-family dwellings purposes or for any other non-dwelling uses permitted in the district in which it is located. -11-
4. In any "R", "C", "D" or "E" District any building or portion of a building hereafter erected or altered for dwelling purposes shall provide a lot area of not less than one thousand five hundred (1,500) square feet per family.

## SECTION 16 - HEIGHT REGULATIONS

1. Except as specified in paragraph 2 herein, no buildings in any "A", "B" or "R" District shall exceed three (3) stories or forty-five (45) feet in height.
2. In any "A", "B" or "R" District, public or semi-public buildings such as hospitals, churches and schools may be erected to a height not exceeding seventy-five (75) feet.

SECTION 17 - ADVERTISING SIGNS,  
POSTER AND BULLETIN BOARDS

1. In any "A" or "B" District, real estate signs not exceeding eight (8) square feet in area, advertising the sale, lease or rental of premises or buildings on which they are located are permitted. Such signs shall be a distance of at least twenty (20) feet from the street lot line, or not more than five (5) feet in front of the main building.
2. In any "A" or "B" District, announcement signs or bulletin boards are permitted, provided such signs or boards do not exceed twenty (20) square feet in area and are erected upon the premises of a charitable, religious or public institution for its own use and are not erected within twenty (20) feet of a street lot line or not more than five (5) feet in front of the main building.
3. Boarding or lodging houses in a "B" District may have one (1) advertising sign not exceeding twenty (20) square feet in area. Such sign shall be a distance of at least twenty (20) feet from the street lot line or not more than five (5) feet in front of the main building.
4. In any "R" District, the total square foot area of advertising signs shall not exceed twenty-four (24) square feet per business establishment. Such signs shall not be less than twenty (20) feet distant from the street lot line.
5. The signs which are permitted in paragraphs 1, 2 and 3 of this section may be illuminated but shall not be of an intermittent flashing type.

## SECTION 18 - NON-CONFORMING USES

1. Except as specified in Paragraph 8 of this Section, the lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. Such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance,

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2. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. -12-
3. If a non-conforming building is removed, the future use of such premises shall be in conformity with the provisions of this Ordinance.
4. If the non-conforming use of a building is discontinued for a period of two (2) years, the use of the same shall thereafter conform to the provisions of the district in which it is located.
5. When a non-conforming use has been changed to a conforming use or to a more restricted non-conforming use, such use shall not thereafter be changed to a less restricted use.
6. If, by amendment to this Ordinance, any property is hereafter zoned to a more restricted district by a change in district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this Ordinance relating to the non-conforming use of buildings or land existing at the time of the enactment of this Ordinance shall apply to buildings or land occupied or used at the time of the passage of such amendment.
7. No non-conforming building which has been damaged by fire, explosion, Act of God or the public enemy to the extent of more than sixty-five (65) per cent of its value, shall be restored until a permit is secured from the Board of Adjustment, as provided in Section 21.
8. Any existing sign or bill board not conforming with this Ordinance shall be removed within a period of one (1) year from the effective date of this Ordinance, except that non-conforming signs specifically describing the business or nature of a non-conforming building, structure or use on the same premises may be maintained during the lifetime of each building, structure or use.

## SECTION 19 - PROVISIONS FOR AUTOMOBILE PARKING

1. The following parking provisions shall apply to buildings hereafter erected except those rebuilt on the same site.
2. Each single-family, two-family and multiple-family dwelling shall provide parking area on the lot occupied by the main building, or garage space in the main building or in an accessory building sufficient to accommodate one (1) motor car for each family or dwelling unit.
3. Motels and lodging houses shall provide at least one (1) off-street parking space for each individual sleeping or living unit.
4. In any "A", "B" or "R" District, church, school and college auditoriums, theatres, general auditoriums, stadiums, and other similar places of public assembly which are erected on new sites shall provide one (1) off-street parking space for each ten seats of the audience seating capacity provided in the main auditoriums. Said parking space shall be provided on the same lot as the place of public assemblage or on a permanently reserved space of another lot within five hundred (500) feet of said place of public assemblage.

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5. In any "B" District, offices or studios of professional persons and funeral homes shall provide one (1) off-street parking space to each three hundred (300) square feet of floor space in the building devoted to the aforementioned uses.
6. Commercial buildings including offices in any "R" District shall provide one (1) off-street parking space for each three hundred (300) square feet of floor space in the building.
7. Hospitals, clinics, sanitariums, dispensaries and welfare institutions shall provide at least one (1) off-street parking space for each one thousand (1,000) square feet of floor area in said buildings.
8. In any "B" or "R" District, lodges and veterans' organizations shall provide at least one (1) off-street parking space for each three hundred (300) square feet of floor area in said buildings.
9. Any business or industrial building erected or converted in any district shall provide/off-street facilities for the loading and unloading of merchandise and goods within or adjacent to the building in such a manner as not to obstruct freedom of traffic movement on the public streets.

## SECTION 20 - BUILDING PERMITS

1. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension or moving of any building, structure, or any portion thereof, without first having applied in writing to the Administrative Officer for a building permit to do so and until a building permit has been granted therefor.
2. Every application for a building permit shall be in writing and delivered to the Administrative Officer, and shall be accompanied by a detailed set of plans in duplicate, showing the size of the proposed building or structure, its location on the lot, the materials of which it is to be constructed, and the details and type of construction to be used. On the issuance of a permit, one set of said plans shall be retained by the Administrative Officer as a permanent record and one set shall be returned to the applicant. The Administrative Officer may, at his own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.
3. Blank forms shall be provided by the Administrative Officer for the use of those applying for permits as provided in this Ordinance. Any permits issued by the Administrative Officer shall be on standard forms for such purpose and shall be furnished by the City.
4. A careful record of all such applications, plans and permits shall be kept in the office of the Administrative Officer.
5. The fees to be charged for building permits from and after the passage of this Ordinance shall be as follows:  
For work costing \$1,000.00 or less, \$2.00.  
For work costing more than \$1,000.00, \$5.00.
6. Any building permit under which no construction work has been commenced within six (6) months after the date of issue of said permit, or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration. Upon payment of ten (10) cents per month on each



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may be extended by the Administrative Officer upon the approval of the City Council.

7. A permit in writing shall be issued by the Administrative Officer when the application and the investigation thereof indicates compliance by the applicant with all of the provisions of this Ordinance and all other controlling ordinances of the City of Mt. Pleasant, Iowa, and the laws of the State of Iowa.

### SECTION 21 - BOARD OF ADJUSTMENT

1. Creation and Membership: A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members appointed by the Mayor subject to the approval of the City Council. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Thereafter, terms shall be for five (5) years, and vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. All members of the Board shall serve without compensation. The Board, subject to the approval of the City Council, may employ such clerical and technical assistance as may be needed to carry on its work.

2. Chairman and Meetings: The Board shall adopt its own rules of procedure, not in conflict with this Ordinance or the Iowa Statute, to enable it to perform its functions and duties.

The Board shall elect its own Chairman, who shall serve for one (1) year.  
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Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board.

3. Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Mt. Pleasant affected by any decision of the Administrative Officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Administrative Officer and on due cause shown.

4. Jurisdiction: The Board shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any

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order, requirement, decision or determination made by the Administrative Officer in the enforcement of this Ordinance.

- b. To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under this Ordinance.
- c. Where the street or lot lay-out on the ground actually varies from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map and the provisions of this Ordinance in such a way as to carry out the intent and purposes of this Ordinance for the particular district or section in question. -16-
- d. To permit the reconstruction, within one (1) year, and use as before of a non-conforming building destroyed or damaged to more than sixty-five (65) per cent of its value by explosion, fire, Act of God, or public enemy or other calamity, where the Board finds that the public needs require a continuance of the non-conforming use and that such continuance would not primarily permit a continuance of a monopoly.
- e. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which is determined reasonably necessary for the public convenience or welfare.
- f. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions herein will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.
- g. To determine, in cases of uncertainty, the classification of any use. To determine, in cases of uncertainty, the commercial and light industrial uses which may be established in any "D" District according to the terms of paragraphs 6 and 7 of Section 10.
5. In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
6. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance. It is not the intention to grant to the Board the power or authority to alter or change the Zoning Ordinance or Zoning Map. Such power and authority rests solely with the City Council, in the manner hereafter provided in Section 22.
7. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer or any officer, department, board or bureau of the City of Mt. Pleasant, Iowa, may seek such relief through the courts as provided by the Statute.

### SECTION 22 - CHANGES AND AMENDMENTS

The City Council may, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the City Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established.

Any owner or owners of property may present a petition to the City Council for the amendment or change of any provision of this Ordinance.

requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty (50) per cent of the area included in such proposed change and by the owners of fifty (50) per cent of the property within two hundred (200) feet therefrom, and said petition shall be filed with the City Zoning Commission. The City Zoning Commission shall make a report to the City Council within sixty (60) days from the date of receipt of such petition. In case of a protest against any proposed amendment or change signed by the owners of twenty (20) per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one (1) lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council.

#### SECTION 23 - ENFORCEMENT

The City Council shall appoint an Administrative Officer, and it shall be the duty of said Officer to enforce this Ordinance. The Administrative Officer may be a person holding other public office in the City of Mt. Pleasant.

#### SECTION 24 - VALIDITY

Should any section, sentence, clause of provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.

#### SECTION 25 - VIOLATION AND PENALTY

1. Any person, firm, corporation or other association or persons who violates, omits, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days for each offense. After notification in writing by the Administrative Officer, each day that a violation is permitted to exist beyond the expiration of the time designated in said notice shall constitute a separate offense. -18-

2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, or land is used in violation of this Ordinance, the City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

#### SECTION 26 - REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

#### SECTION 27 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, adoption and publication as provided by law.

Passed and adopted this 25th day of November, 1953.

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COPY SUBMITTED BY RAMA CHALLEN

I, Rama\_Challen, being first duly sworn on oath depose and certify that I am the duly elected and acting City Clerk of the City of Mount Pleasant in the County of Henry, State of Iowa; that I have in my possession the corporate records of the City; that I have carefully compared the Ordinance hereto attached with the afore-said corporate records and that said Ordinance is a true, correct and complete copy of Ordinance No. 251 of the City of Mount Pleasant, Henry County, Iowa; and I further certify that the effective date of said Ordinance is September 10, 1954.

Witness my hand and corporate seal of the City hereto affixed at Mount Pleasant, Iowa, this 10th day of September, 1954.

(SEAL)  
Rama C. Challen  
City Clerk

STATE OF IOWA

COUNTY OF HENRY SS.

Subscribed and sworn to before me by Rama\_Challen this 10th day of September, 1954.

(SEAL)  
Thomas F. Bell  
Notary Public