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Prepared by: Kathy Wolfe, City Clerk, P.O. Box 40, Ryan,IA

CITY OF RYAN

RYAN, IOWA 52330

September 19, 1997

Delaware County Recorder
Court House
Manchester, IA 52057

Attn: Recorder

Please record the attached documents of record which are as follows:

1) Ordinance No. 97/6/1 An ordinance adopting the City Code of Ordinances

2) Title VI Physical Environment, Chapter 7 Subdivision Regulations of the City Code of Ordinances

3) Title VI Physical Environment, Chapter 10 Restricted Residence District of the City Code of Ordinances

Please contact me at 932-2073 if any questions.

Sincerely,

Kathy Wolfe

Kathy Wolfe
City Clerk

DATE 9-19-97 BOOK 7 PAGE 113

CITY OF RYAN

RYAN, IOWA 52330

ORDINANCE NO. 97/6/1

AN ORDINANCE ADOPTING THE CITY CODE OF ORDINANCES.

BE IT ORDAINED by the City Council of Ryan, Iowa;

Section 1. Pursuant to published notice, a public hearing has been duly held and the City Council of Ryan, Iowa, hereby adopts the Ryan Ordinances of 1997 as the 1997 Ryan Municipal Code.

Section 2. An official copy of the Municipal Code, as adopted including a certification by the Clerk as to its adoption and effective date, is on file at the office of the City Clerk.

Section 3. Copies of the code shall be kept available at the City Clerk's office for public inspection and sale at cost.

Section 4. All general ordinances or parts thereof passed prior to August 4, 1997, not contained in the Ryan Code of Ordinances are hereby repealed except as hereafter provided, or special ordinances not named.

Section 5. The following ordinances are specifically saved from repeal:

Ordinance No.	Subject
61	Electric Franchise
103	Vacating Alley in Block 8
104	Telephone Franchise
107	Vacating a Portion of Railroad and South Streets
112	Vacating Alley in Block 3
83-8.2	Vacating a Portion of Railroad Street
84-8.1	Cable Television Franchise

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

PASSED by the City Council of Ryan, Iowa, on the 4 day of August, 1997, and APPROVED this 4 day of August, 1997.

Mayor Ingrid Anderson-Quint

Mayor, Ingrid C. Anderson-Quint

Clerk's Certificate: I hereby certify that the foregoing was published as Ordinance Number 97/6/1 on 8-26-, 1997.

Kathy Wolfe

Clerk, Kathy Wolfe

This Chapter, including the following Sections, was adopted in its entirety by the passage of Ordinance Number 97-611 (attached) which adopted the complete 1997 Code of Ordinances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SUBDIVISION REGULATIONS

6-7-1 SHORT TITLE. This chapter shall be known and may be cited as "The City of Ryan, Iowa, Subdivision Control Ordinance."

6-7-2 PURPOSE. The purpose of this Ordinance is to provide minimum standards for the design, development and improvement of all new subdivisions and resubdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan, and to promote the public health, safety and general welfare of the citizens of the City of Ryan, Iowa.

(Code of Iowa, Sec. 354.1 and 364.1)

6-7-3 APPLICATION. Every owner who divides any original parcel of land, forty (40) acres or part thereof, entered of record in the office of the County Recorder as a single lot, parcel or tract on or before the effective date of these regulations into three or more lots, parcels, or tracts for the purpose, whether immediate or future, of laying out an addition, subdivision, building lot or lots, acreage or suburban lots, transfer of ownership or building development within the City or within two (2) miles of the corporate limits of the City; shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

(Code of Iowa, Sec. 354.9)

6-7-4 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City of Ryan, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the office of the County Recorder and filed with the County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this Ordinance.

Upon the approval of the final plat by the governing body, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revokable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk within such thirty (30) days.

(Code of Iowa, Sec. 354.9)

6-7-29 EXTRATERRITORIAL REVIEW AGREEMENT.

The City of Ryan shall apply the same standards and conditions for review and approval of a subdivision in the extraterritorial review area as established in Section 6-7-3 of the City of Ryan Municipal Code.

The City of Ryan may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of the subdivision in the extraterritorial area. Such resolution shall be certified and recorded with the plat.

Procedures for certifying approval of subdivisions in the extraterritorial area of the City shall be the same as those established for other subdivisions with the City unless waived by the Governing Body.

(Code of Iowa, Sec. 354.8 and 354.9)

This Chapter was adopted in its entirety by the passage of Ordinance Number 97/6/1 (attached) which adopted the complete 1997 Code of Ordinances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 RESTRICTED RESIDENCE DISTRICT

6-10-1 Purpose
6-10-2 Definitions
6-10-3 District Described
6-10-4 Buildings Permitted
6-10-5 Rules and Regulations
6-10-6 Set Back
6-10-7 Buildings Requiring Special Permits to Locate Within Restricted Districts
6-10-8 Special Permits
6-10-9 Protest
6-10-10 Fees
6-10-11 Action to Abate
6-10-12 Certifying Ordinance

6-10-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Ryan, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.
(Code of Iowa, Sec. 414.1 and 414.24)

6-10-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-10-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established:

All property located within the corporate boundaries of the City of Ryan.

6-10-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside restricted residence districts, shall be applied for and are required, but shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met, but no council permission shall be required under this Ordinance.

6-10-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-10-6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet (20'), nor shall any construction be required to be built with its front further than twenty feet (20') from said front line. All buildings to be used for residential purposes shall be placed on lots of no less than 10,000 square feet.

No residence or other building exempted from permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with its existing side lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located. Any other building granted a permit by council shall be placed at least as far from side lot lines as the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-10-7 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-6 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-10-8 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the

restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-10-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Section 6-10-6. Said application shall be made to the City Clerk at least seven (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-10-9 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-10-10 FEES. There shall be no fee required for a permit under this Ordinance.

6-10-11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-10-12 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.
(Code of Iowa, Sec. 380.11)

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the City of Ryan

in case of City Council Ordinance No 97/6/1

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 26 day of August A.D. 1997, and the last on the 26 day of August A.D. 1997

Publication fee, $ 15.09

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 19 day of September A.D. 1997

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA
PEGGY A. McELHANEY
MY COMMISSION EXPIRES
5-13-97

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83-8.2	Vacating a Portion of Railroad Street
84-8.1	Cable Television Franchise

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

PASSED by the City Council of Ryan, Iowa, on the fourth day of August, 1997, and APPROVED this fourth day of August,1997.

/S/ Mayor, Ingrid C. Anderson-Quint

Clerk's Certificate: I hereby certify that the foregoing was published as Ordinance Number 97/6/1 on 8/26, 1997.

/S/ Clerk, Kathy Wolfe

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