

ORDINANCE NO. 258

**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OKOBOJI, IOWA, BY ADDING NEW CHAPTER 152 – “DRAINAGE LIMITATIONS”.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OKOBOJI, IOWA:

**152.01 DRAINAGE ONTO CURBS OR STREETS**

No footing drain, storm water drain, sump pump outlet, or drainage tile shall be constructed as to discharge water directly into a city street curb. The discharge such that water issuing from them shall be dispensed entirely upon the grounds of the contributing property and all such outlets shall be located not less than fifteen feet from the curb of a city street or the edge of a traveled way, or at a point not less than one-half the distance from the edge of the building foundation to such curb or edge of traveled way, which distance is smaller. Discharge from the contributing property reaching the City right-of-way shall be considered in violation of this chapter if said discharge creates a public nuisance, is deemed hazardous, or creates a build up of ice. However, this section shall not apply to properties located in the C-1 General Commercial zoning district where such properties are so situated that compliance with this section is not feasible due to the construction of buildings on the property immediately adjacent to city curbs or sidewalks.

**152.02 RULES**

The Council may provide by resolution such further rules as necessary to clarify and implement the requirements of this chapter.

**152.03 VIOLATIONS**

A violation of this chapter, or the omission or failure to perform any act or duty required to comply with this chapter, is a municipal infraction and punishable by civil penalty, all as set forth in Chapter 3 of this Code of Ordinances.

REPEALER. All Ordinances or part of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SEVERABILITY CLAUSE. If any Section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

PUBLICATION. The City Clerk/Administrator is hereby authorized and directed to publish this Ordinance in a newspaper of general circulation in Dickinson County, Iowa in conformance with the Iowa law.

WHEREAS, a motion was made on August 11, 2020 by Councilmember Delperdang and a second by Councilmember Robinson to consider this Ordinance and upon roll call the following vote was recorded: AYES: Andres, Delperdang, Hentges, Robinson, Mendenhall. NAYS: None. Said motion to consider this Ordinance was approved by the City Council.

WHEREAS, a motion was made on September 8, 2020 by Councilmember Delperdang and a second by Councilmember Mendenhall to consider this on its second reading and upon roll call the following vote was recorded: AYES: Andres, Delperdang, Mendenhall, Robinson. NAYS: None. Said motion to consider this Ordinance was approved by the City Council.

WHEREAS, a motion was made on October 13, 2020 by Councilmember Andres and a second by Councilmember Delperdang to consider this on its third reading and upon roll call the following vote was recorded: AYES: Andres, Delperdang, Hentges, Robinson, Mendenhall. NAYS: None. Said motion to consider this Ordinance was approved by the City Council.


WHEREAS, a motion was made on October 13, 2020 by Councilmember Mendenhall and a second by Councilmember Robinson to adopt this Ordinance and upon roll call the following vote was recorded: AYES: Andres, Hentges, Robinson, Mendenhall, Delperdang. NAYS: None. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Okoboji, Iowa:

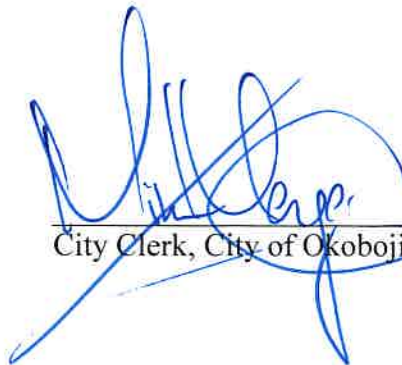
PASSED AND APPROVED ON THIS 13th DAY OF OCTOBER, 2020.

  
\_\_\_\_\_  
Mary VanderWoude  
Mayor

ATTEST:

  
\_\_\_\_\_  
Michael Meyers  
City Clerk

I, Michael Meyers, City Clerk of the City of Okoboji, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 258 passed and approved by the City Council of the City at a meeting held October 13, 2020, signed by the Mayor on October 15, 2020, and published in the Dickinson County News on October 21, 2020.

  
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City Clerk, City of Okoboji, State of Iowa

(SEAL)