

# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 1 WATERWORKS SYSTEM**

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#### **6-1-1 COUNCIL CONTROLS.**

The waterworks system shall be under the control of the council. At the first meeting in January of each year, the Mayor shall appoint a committee of three members of the council as a waterworks committee, to have supervision over the waterworks system, subject to the control of the entire council.

#### **6-1-2 CLERK'S DUTIES.**

The Clerk shall have control of the clerical department of the waterworks system, and have charge of and be responsible for the collection of all water bills and other bills due the waterworks system, and receive all money therefore. S/he shall keep a correct book account, showing all money received and expended by the waterworks department, and for what purpose, and performs such other duties in the management of the waterworks system as may be required or directed by the waterworks committee or by the council.

#### **6-1-3 WATERWORKS MONIES.**

There shall be an account kept by the Treasurer known as the waterworks fund. All money received from the collection of water bills, or from the sale of any property or material connected with the waterworks system shall be placed in the waterworks fund. All other sums or amounts in connection with the waterworks system derived from taxation for waterworks purposes, from any appropriation made by the council, or from any other fund or source for the purpose of construction, extension or operation of the waterworks system shall be placed in the Utilities Fund as provided by Chapter 159, Section 12, of the Acts of the 54th General Assembly of Iowa.

#### **6-1-4 WATERWORKS COMMITTEE REPORTS.**

The waterworks committee shall make a special report to the council relative to any particular part of the waterworks system, whenever required by the Council.

#### **6-1-5 CONSUMER'S CONTRACT.**

The rules, regulations and rates for water, herein or hereafter adopted, shall be a part of the contract with the water consumer, and every person, firm or corporation, whether signing an application and contract or not, by taking water, shall express their assent to be bound thereby.

#### **6-1-6 SUPPLY NOT GUARANTEED.**

The municipality does not guarantee a constant supply of water to any consumer, and shall not be liable for any damages for any failure to supply the same, or if for any cause the supply of water shall be shut off to make repairs, connections or extensions or for any other purpose that may be deemed necessary.

## **6-1-7 SHUTTING OFF AND ON.**

The municipality reserves the right to shut off the water at any time for the purpose of making repairs to the mains, corporation cock, curb stop cock, stop and waste cock, or any other part of the waterworks system, or for any other purpose that may be deemed necessary.

## **6-1-8 APPLICATION AND DEPOSIT.**

After the effective date of this Ordinance, every person, firm or corporation desiring to make connection with the water mains or obtain water at a place other than that where obtained immediately prior to the effective date hereof or whose water has been shut off under and by virtue of the provisions of this Ordinance, must make application therefore to the Clerk on the form furnished by the Clerk and specify the location of the premises for which water is desired. The Clerk shall issue the permit for the connection and the excavation in the street, and no excavation in connection with the waterworks system shall be made without a written permit from the Clerk.

## **6-1-9 PERMIT FROM CLERK.**

A plumber may turn on the water to test the service pipe and plumbing, but on the completion of the testing, the water shall be turned off and shall not be turned on, for use at any premises, until all Ordinances, rules and regulations are complied with, and written permission given by the Clerk.

## **6-1-10 MUNICIPALITY NOT LIABLE.**

The Municipality shall not be liable for any claim of damage on account of the breaking of, or injury to, any service pipe, corporation cock, curb stopcock, stop and waste cock, meter, or other equipment.

## **6-1-11 VIOLATION OF RULES.**

Whenever any rule or regulation is violated, or bill for water, repairs or supplies is not paid, the water shall be shut off, and it shall be shut off from the property where such violation occurred, even though two or more parties receive a supply of water from the service pipe supplying the property. The water shall not be turned on again, except by the written order of the Clerk, and the payment of all bills for water, repairs or supplies due on that service.

## **6-1-12 ALTERATIONS.**

Alterations in any water pipe of any water fixture, where the consumption is increased, shall not be made without giving notice to and obtaining permission from the Superintendent of waterworks or from the Clerk. It shall be unlawful for any plumber or other person to tap any water main, or connect any water service pipe therewith, or turn on or shut off the water from any pipe where the stop cock is not located on their own premises, except those fully authorized to do so by the Superintendent of waterworks.

### **6-1-13      STREETS OPEN.**

In putting down or repairing water service pipes, the streets and alleys shall be opened in the manner which will cause the least inconvenience to the public, and admit of the uninterrupted passage of water along the gutter on the street. Every precaution must be taken to secure the public safety. Should any excavation in the street or alley be left open or unfinished for a period of twenty-four hours, or should the work be improperly done, the Superintendent of waterworks shall have the right to finish up or correct such work and the expense shall be charged to the property owner. Every excavation made in any street, alley or highway shall be protected by barricades, and during the night, red warning lights shall be maintained.

### **6-1-14      INSPECTION.**

As soon as all pipe work from the water main to inside the building has been completed, and before any back filling is done in the ditch between the curb and the stop and waste cock within the building, the Superintendent of waterworks or authorized agent shall be notified and shall inspect the work as to workmanship and material. No water pipe laid underground shall be covered, or trenches filled until after the water has been turned into the pipe laid therein and such pipes have been tested and found watertight. If the Superintendent of waterworks or agent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will be approved. Upon approval in writing, the trenches shall be immediately filled, and tamped as filled, and streets, sidewalk, and pavement shall be restored to as good condition as they were previous to the excavation. Sand shall be used in filling all excavations under paving or surface streets.

### **6-1-15      USE OF HYDRANTS.**

It shall be unlawful for any person, except the Superintendent of waterworks, or authorized agent, or chief of the fire department to take water from any public or private hydrant, fire plug, street washer, hose pipe, or fountain, except for fire purposes or for the use of the fire department in case of fire, or in any way use or take water from the waterworks system for private use, unless such person shall first pay a fee fixed by the council for the privilege and receive a written permit from the Clerk to do so.

### **6-1-16      OPEN HYDRANTS.**

It shall be unlawful for any person, authorized to open hydrants, to let or allow any person to take the hydrant wrenches from his or her possession, or allow them to be taken from any hose house of the municipality except for town purposes, unless such person first shall pay a fee fixed by the council for the privilege, and receive a written permit from the Clerk to do so.

### **6-1-17      ENTRANCE TO PREMISES.**

Every person, firm or corporation taking water shall permit the Superintendent of waterworks, the waterworks committee, the Clerk, or such other person as may be directed

in writing, by the council, at all hours of the day between seven o'clock A.M. and six o'clock P.M. to have free access to any premises or buildings, to read meters, to examine the pipes and fixtures and the location thereof, and the manner in which the water is used and shall at all times answer all questions put to them, relative to meters, pipes, fixtures, and the consumption of water.

#### **6-1-18 RULES FOR WATER SERVICE.**

The construction and installation of all new and the reconstruction and repair of all old water services, shall be done in strict compliance with the provisions of this Ordinance and in accordance with the laws of the state and the rules of the state and local boards of health.

#### **6-1-19 TAP MAIN.**

It shall be unlawful for anyone, except the Superintendent of waterworks or some person designated by him or her, or licensed plumber having a permit for the connection, to tap the water mains.

#### **6-1-20 MAIN TAPPING PERMIT.**

A main tapping permit shall be obtained at City Hall in advance of any tapping. All taps shall be done under the direct supervision of the water Superintendent. The charge shall be set by the council for the permit and inspection fee.

#### **6-1-21 HOUSE CONNECTIONS.**

No more than one consumer shall be supplied from one tap, one meter or connection with the main except by written permission of a majority of the whole number of the members of the council and not then, in any case, unless provision is made so that each consumer can be shut off independently of every other house or premises.

#### **6-1-22 CORPORATION COCK.**

A brass corporation cock of the pattern and weight of McDonald No. E4701 or equal, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one sixth smaller than the service pipe.

#### **6-1-23 ABANDONED CONNECTIONS.**

Whenever an old water service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely water tight.

#### **6-1-24 CURB STOP COCKS.**

Curb stop cocks of the round way pattern, McDonald No. E4727 or equal, shall be placed in every service pipe as authorized by water Superintendent or authorized agent. Every curb stopcock shall be protected by a box or iron pipe, or a pattern and weight of McDonald No. E5614 or equal, reaching from the curb stop cock to the surface of the ground, of a suitable size to admit a stop key for turning on and off the curb stop cock and with a heavy metal cover, having the letter "W" marked thereon, visible to and even with the pavement or ground. Where one service pipe is intended to supply two or more consumers, there shall be a separate stopcock for each consumer. Such curb stopcocks shall be placed and so situated that they are on said service line between the sidewalk and the traveled street or at any rate outside of the property line of the consumer served thereby.

#### **6-1-25        RESPONSIBILITY OF PROPERTY OWNERS.**

All pipe and valves, including the curb stop, to the stop and waste valve in the structure are to be furnished and maintained by the property owner. The valves are to be kept in working order and access to same provided at all times. If for some reason the curb stop is buried or damaged so that they cannot be operated, upon notification by the City, it shall be relocated or repaired within the allotted time. If not, the City will relocate or repair and bill the owner. If at the time of exposure the valve is damaged and not operable or shows undo deterioration, upon notification of the property owner, it will be replaced at material and labor cost to the owner. This billing will be added to the water bill and collection of same will be the same as for water bills.

#### **6-1-26        KIND OF PIPE.**

All service pipe between the corporation cock and the curb stopcock is to be soft roll copper type K or equal. All the pipe from the curb stop to the stop and waste shall be the same or schedule 40 PVC. The service pipe shall be buried at a minimum of 45" in depth with sufficient waving of pipe to allow for expansion and contraction and/or settlement. It shall be a minimum of 3/4" I. D. and laid so as to drain when water is shut off.

#### **6-1-27        STOP AND WASTE COCK.**

There shall be a stop and waste cock of McDonald No. E2832, or equal, attached to every service pipe, at a point where it enters the building inside the same, easily accessible, and so situated that the water can be conveniently shut off and drained from the pipes and meter.

#### **6-1-28        METERS.**

All water furnished any consumer shall pass through a meter and be paid for at meter rates.

#### **6-1-29        METERS PLACED.**

Service pipes must be thoroughly flushed before meter is attached. All meters shall be placed on a loop of at least six inches above the service pipe, and shall not be placed on a straight run. All meters shall be placed in such a position as to be handy for repairing or

removing, and so as to be easily read. It shall be unlawful for anyone, except an employee of the water department or a licensed plumber to repair or try to repair a water meter. The meter shall be placed in the cellar or basement, except where the service pipe does not pass through the cellar or basement, in which case the meter shall be placed in the pipe at the location designated by the water Superintendent or agent. Each meter installed outside of a building shall be placed in a meter box or pit to be approved by the Superintendent of waterworks or agent. Each meter before being placed in position shall be tested by the Superintendent of waterworks or agent without charge to the customer.

#### **6-1-30 KIND OF METERS.**

All meters shall be of the size, kind and make approved by the council, and must be placed on all service pipes, under the direction of the Superintendent of waterworks or authorized agent. The municipality may furnish and place the meter in position at cost upon application to Clerk. Said application shall be accompanied by a deposit in an amount equal to the cost of said meter as security for payment of water bills when due. The Clerk, upon the date water service is discontinued and severed, shall charge rentals for all water used and for which payment has not been made against the consumer's deposit, and shall then require the deposit to be restored in full as a condition for again having the water turned on. The deposit of each consumer, less the unpaid bills for water, shall be refunded when such person ceases to be a consumer of water.

#### **6-1-31 METERS INSPECTED.**

Water meters shall be inspected whenever directed by the waterworks committee or whenever the Superintendent of waterworks believes that any meter is not registering correctly. If any customer of water believes that his or her meter is not accurate, s/he may request that his or her meter be tested.

#### **6-1-32 REPAIR OF METERS.**

The Superintendent of waterworks shall cause all water meters to be in repair and in working order. The owner of the property shall be charged for the material used in making the repairs. The cost of any repairs shall be billed the property owner and be paid within ten days. In case the bill for repairs is not paid within thirty days after the same has been rendered, the Clerk may order the water shut off from the customer. All meters shall be tested for accuracy of measurement and if necessary the meter shall be closed, and any meter that shows a substantial variation shall be condemned for repairs or a new meter placed as the Superintendent of waterworks decides.

#### **6-1-33 CHECK AND RELIEF VALVE.**

If a meter is placed on a pipe connected with a boiler or other hot water apparatus, a check and relief valve must be placed between the meter and the boiler or other hot water apparatus, to protect the meter from back pressure of steam or hot water.

#### **6-1-34 HOUSE BOILER.**

All house boilers must be constructed with one or more air holes near the top of the inlet pipe and be sufficiently strong to bear a pressure of one hundred pounds, and withstand the ram of the water in the mains.

#### **6-1-35 LEAKAGE OF WATER.**

No reduction will be made on account of leakage after the water has passed through the meter.

#### **6-1-36 METERS NOT REGISTERING.**

If a meter fails to register the quantity of water, the consumer shall pay an amount equal to his or her bill for the previous quarter, for the water consumed during that quarter.

#### **6-1-37 METERS WHEN READ.**

Water meters shall be read once every month.

#### **6-1-38 BILLS PAYABLE.**

Bills shall be paid according to the regulations in the Water Rates Chapter of this Code of Ordinances.

#### **6-1-39 EXTRA SERVICES.**

When water is supplied by two or more meters to one consumer, or to two or more premises owned by one person, firm or corporation, the meter readings shall not be combined, but a bill shall be rendered for the gross amount of water used by each meter, according to meter rates in effect.

#### **6-1-40 METER RATES.**

Meter rates shall be according to the regulations in the Water Rates Chapter of this Code of Ordinances.

#### **6-1-41 MINIMUM CHARGE.**

Each service shall pay the minimum charge. This charge will be made even if the property is vacant unless the water has been shut off by the City at the curb stop. A service charge as established by the council of equal amounts for turning off the service and at a later date to turn back on will be assessed to the water bill. All water used in excess of the minimum will be charged at the current rate as set by the council.

#### **6-1-42 CREDIT PROHIBITED.**

It shall be unlawful for any officer of the municipality, or employee of the waterworks department, to extend credit to anyone, contrary to the provisions of this Ordinance or to fail or neglect to enforce the provisions of this Ordinance.

**6-1-43 PROPERTY DAMAGED.**

It shall be unlawful to break, damage, cut, mar, burn, deface, injure, tear down, or destroy any water cock, or any property of the waterworks system belonging to the municipality.

**6-1-44 OFFENSE.**

It shall be unlawful to turn the water into any house or private service pipe, except under the order of the Clerk, and plumbers are strictly prohibited from turning the water into any service pipe, except upon written order of the Clerk, but this rule shall not be construed to prevent any plumber turning on the water to test pipes for that purpose only, on condition the water is turned off after the test is made.

**6-1-45 OFFENSE.**

It shall be unlawful to make any excavation in any street or highway within six feet of any laid water pipe while the ground is frozen, or dig any hole or ditch so as to expose to the frost any water pipe or sewer, except by special permission, in writing, by the waterworks committee or by the Superintendent of waterworks.

**6-1-46 PLUMBER'S LICENSE.**

Any plumber wishing to do business in connection with the water works shall, before receiving his or her license, file with the State of Iowa, asking to become a licensed plumber in the City of Richland, stating his or her willingness to be governed in all respects by the rules and regulations for its waterworks, now or hereafter made or adopted, concerning his or her installation, maintenance and repair of any part of the municipal water system, and s/he further agrees to submit evidence of liability insurance and any other insurance which the City deems reasonable.

**6-1-47 SHUTTING OFF WATER.**

The City may discontinue service to any consumer who violates the provisions of this title upon giving notice of the violation and an opportunity to be heard by the City to the consumer. The consumer will not be reconnected until all bills have been paid and any connection fee is paid.



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 2 WATER RATES**

### **6-2-1 Bills Payable**

### **6-2-2 Meter Deposits**

### **6-2-3 Water Rates**

### **6-2-4 Discontinuing Service**

#### **6-2-1 BILLS PAYABLE**

Bills for water shall be due and payable the 15th of each month. If not paid by the 15th, the customer shall be notified. If not paid by the end of the billing month, a \$5.00 penalty will be assessed starting the 15th of the billing month. If the bill is not paid within 10 days of written notification the water will be shut off and service will not be furnished until all bills and penalties have been paid.

#### **6-2-2 METER DEPOSITS**

All new customers shall make a meter deposit for water service before water will be turned on at the curb stop by the City. This fee shall be determined by the council to protect from loss of uncollectable bills and damage to meters. This fee is to be a record at the City Hall and posted with the water rates.

#### **6-2-3 WATER RATES**

Water rates shall be set by the council to reflect the cost of providing same. The rates may be updated from time to time. They shall be published in the official City paper and also posted in the City Hall 30 days in advance of billing changes.

1. Water customers that are on extended vacations may pay by the last of the billing month without penalty if they notify the Clerk in advance. If not paid by the last of the billing month the penalty will be the same as for other delinquent customers.
2. Any water customer having trouble with billings or late payments shall have the right to a hearing with the council at the meeting following the due date. All penalties will be assessed, but a credit will be issued if the council finds in your favor.

#### **6-2-4 DISCONTINUING SERVICE**

A city utility, including services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, may be discontinued if the account for the service becomes delinquent. If more than one city utility or enterprise service is billed to a property or premises as a combined service account, all of the services may be discontinued if the account becomes delinquent. If a delinquent amount is owed by an account holder for a utility service associated with a prior property or premises, a city utility, city enterprise, or combined city enterprise may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises.

(Code of Iowa, Sec. 384.84 (3) (a, b and d))



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 3 UTILITIES - SANITARY SYSTEM**

<b>6-3-1 Definitions</b>	<b>6-3-6 Protection From Damage</b>
<b>6-3-2 Use Of Public Sewers Required</b>	<b>6-3-7 Powers And Authority To</b>
<b>6-3-3 Private Sewage Disposal</b>	<b>Inspectors</b>
<b>6-3-4 Building Sewers And Connections</b>	<b>6-3-8 Penalties</b>
<b>6-3-5 Use Of The Public Sewers</b>	

### **6-3-1 DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.  
(IAC 567-69.3(1))
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.  
(IAC 567-69.3(1))
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.
8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of **RICHLAND** or the Superintendent's authorized deputy, agent, or representative.
20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **6-3-2 USE OF PUBLIC SEWERS REQUIRED**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(Code of Iowa, Sec. 364.12(3)(f))

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f))  
(IAC 567-69.3(3))

## **6-3-3 PRIVATE SEWAGE DISPOSAL**

1. Where a public sanitary or combined sewer is not available under the provision of 6-3-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25.00 dollars shall be paid to the City at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are

covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-3-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code of Iowa, Sec. 364.12(3)(f))

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Code of Iowa, Sec. 364.12(3)(f))

#### **6-3-4 BUILDING SEWERS AND CONNECTIONS**

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$5.00 dollars for a residential or commercial building sewer permit and \$15.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of **RICHLAND** and deposited with the City Clerk a corporate surety in the sum of

five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of **RICHLAND** pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of **RICHLAND** and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock or any other solid material approved by the Superintendent, except as exempted by the Superintendent.
6. The building sewer shall be constructed in accordance with applicable portions of the last published (**International Plumbing Code**), applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."
7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specification (Designation C12). No backfill shall be placed until the work

has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the building Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
10. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or the Superintendent's representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.
14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

#### **6-3-5 USE OF THE PUBLIC SEWERS**

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior

foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be canceled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
- b. Non-Payment of bills.
- c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
  - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).
- b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine

requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

- f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-3-5(4), and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  - a. Reject the wastes,
  - b. Require pre-treatment to an acceptable condition for discharge to the public sewers,
  - c. Require control over the quantities and rates of discharge, and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-3-5(10) of this article.

If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.
9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with

the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

#### **6-3-6 PROTECTION FROM DAMAGE**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

#### **6-3-7 POWERS AND AUTHORITY TO INSPECTORS**

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in 6-3-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 6-3-5(8).

3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **6-3-8 PENALTIES**

1. Any person found to be violating any provision of this Ordinance except 6-3-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 4 SEWER SERVICE CHARGE**

### **6-4-1 Rate Of Charge**

### **6-4-2 Bills**

### **6-4-3 Charges Due For Non-Water Customers**

### **6-4-4 Applications For Sewer Service**

### **6-4-5 Liability**

### **6-4-6 Duty Of The Council**

### **6-4-7 Charges Levied Pursuant**

### **6-4-8 Revenues Paid**

### **6-4-9 Records**

### **6-4-1 RATE OF CHARGE.**

There shall be and there is hereby established a sewer service charge for the use of and for the service supplied by the municipality sanitary sewer utility based upon the amount and rate of water used. This rate is set by the council reflecting the cost of providing such service. These rates are subject to change at the council's discretion, but must be published and posted in the City Clerk's office 30 days before billing.

1. Service to industrial establishments may be by contract if the municipality deems this to be in its best interest.

### **6-4-2 BILLS.**

A charge as set by the council shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after 30 days following the rendition of the bill therefore, the water supply for the lot, parcel of land or premise affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefore.

### **6-4-3 CHARGES DUE FOR NON-WATER CUSTOMERS.**

The service charges for sanitary sewer service to customers not being supplied water by a municipal water system will be due and payable on the 15th day of each month.

### **6-4-4 APPLICATIONS FOR SEWER SERVICE.**

Applications for sewer service shall be filed with the Clerk upon a form to be supplied by the Municipality. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee of \$100.00 payable to the Municipality, for the connection charge.

### **6-4-5 LIABILITY.**

The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said

premises. A deposit of \$30.00 shall be required from all tenants. The deposit shall be applied to any bill for sewer service delinquent more than 30 days. Upon the disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

**6-4-6 DUTY OF THE COUNCIL.**

It is hereby made the duty of the Council to render bills for sewer service and all other charges in connection therewith and to collect all monies due therefrom.

**6-4-7 CHARGES LEVIED PURSUANT.**

All sewer charges levied pursuant to the Ordinance constitute a lien upon the premises charged therewith and if the same are not paid within sixty days after due date, the charges shall be certified to the County Auditor who shall place the same on the tax duplicate and the charges or penalties allowed by law shall be collectible as other municipal taxes.

**6-4-8 REVENUES PAID.**

All revenues and monies derived from the operation of the sewer system shall be paid to and held by the Municipality separate and apart from all other funds of the Municipality and all of said sums and all other funds and monies incident to the operation of said system, as may be delivered to the Municipality, shall be deposited in a separate fund designated the "Sanitary Sewer Fund Account" and said Council shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

**6-4-9 RECORDS.**

The Municipality shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals, the Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

Amendment of Ordinance 6-4-1:

There shall be and there is hereby established a sewer service charge for the use of the and for the service supplied by the municipality sanitary sewer utility based upon the amount and rate of water used. This rate is set by the council reflecting the cost of providing such service. These rates are subject to change at the council's discretion, but must be published and posted in the City Clerk's office 30 days before billing. In the event of a water leakage after the water has passed through the meter as referenced in Ordinance 6-1-35, customers shall not be required to pay a sewer service charge based upon the amount and rate of water used related to water leakage, but instead shall pay a sewer service charged based upon the previous month prior to water leakage.

1. Service to industrial establishments may be by contract if the municipality deems this to be in its best interest.

PASSED and ADOPTED by the Richland City council on this 7 day of December 2020.

Alisa C. Dolle

Mark Doherty

First Reading 11/2/2020

Carla C. Cason

Second Reading 12/1/2020

Tom

Third Reading waived

Published 12/17/2020

Rhonda Noel - absent

Connie Doherty

Mayor

Susan Parrot

ATTEST: City Clerk

# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 5 UTILITIES - REFUSE COLLECTION**

<b>6-5-1</b>	<b>Definitions</b>	<b>6-5-7</b>	<b>Burning Of Refuse</b>
<b>6-5-2</b>	<b>Duty To Provide Cans</b>	<b>6-5-8</b>	<b>Refuse Other Than Garbage</b>
<b>6-5-3</b>	<b>Administration</b>	<b>6-5-9</b>	<b>Sanitary Landfill</b>
<b>6-5-4</b>	<b>Storage</b>	<b>6-5-10</b>	<b>Anti-Scavenging</b>
<b>6-5-5</b>	<b>Collections</b>	<b>6-5-11</b>	<b>Unit-Based Pricing</b>
<b>6-5-6</b>	<b>Necessity Of Permits</b>		

### **6-5-1 DEFINITIONS**

For use in this Chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.
2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.
3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.
4. "Can". Means a container for the storage of garbage or rubbish which is:
  - a. Provided with a handle and tight fitting cover.
  - b. Made of noncorrosive material.
  - c. Water-tight.
  - d. With a capacity of no more than forty-four (44) gallons.
5. "Recyclables". Includes all types of newspapers and inserts, paperboard, corrugated cardboard, clear glass food and beverage containers, tin and aluminum cans, plastic milk, water, orange juice and windshield washer fluid jugs (#2HDPE) and other items as deemed necessary by the city council.

### **6-5-2 DUTY TO PROVIDE CANS**

Each person shall provide cans or approved containers for the storage of garbage, recyclables, and rubbish accumulating on the premises owned or occupied by such owner. Such cans or containers shall be kept covered and reasonably clean at all times. They shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage, recyclables, and rubbish.

### **6-5-3 ADMINISTRATION**

Administration of this Chapter shall be by the Superintendent of Refuse, or such employee designated by the Superintendent.

(Code of Iowa, Sec. 372.13(4))

### **6-5-4 STORAGE**

All garbage must be drained and that accumulated from dwellings must be wrapped in paper and placed in a can. All rubbish shall be placed in a can except as otherwise provided.

### **6-5-5 COLLECTIONS**

Recycling days are the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month. Trash pick-up is every Tuesday of each month.

All cans for garbage, recyclables, and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

Recyclables shall be properly prepared for pick up as follows:

- a. Glass – remove lids and rinse out container.
- b. Plastic – rinse, remove lid, and flatten container. (Numbers 1 and 2)
- c. Metal – tin cans must be rinsed. No aerosol cans.
- d. Aluminum – beverage cans – rinse and flatten.
- e. Paper – newspapers placed in paper grocery bags only (no glossy paper).
- f. Cardboard – corrugated only and flattened.

### **6-5-6 NECESSITY OF PERMIT**

No person shall collect garbage, recyclables, or rubbish except such person's unless otherwise by contract or permit approved by the Superintendent of Refuse and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this Chapter, is approved by the City and a permit issued by the Clerk.

### **6-5-7 BURNING OF REFUSE**

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.
2. This Section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This Section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

#### **6-5-8 REFUSE OTHER THAN GARBAGE**

Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

#### **6-5-9 SANITARY LANDFILL**

The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

#### **6-4-10 ANTI-SCAVENGING**

It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

#### **6-5-11 UNIT-BASED PRICING**

SEMCO Area Solid Waste Agency has failed to meet the 25% waste reduction goal pursuant to Iowa Code Section 455D.3 and the City of Richland, as a member of SEMCO, must establish unit-based pricing pursuant to Iowa Code Section 455D.3(c);

Each household unit is allowed two forty-four (44) gallon trash cans of solid waste per week for basic pickup. Any additional waste must have the city-approved stickers securely affixed to any additional 44-gallon cans or bags. The tags must be obtained from the city clerk prior to trash collection day and will cost one dollar (\$1.00) per tag. There is no limit to the amount of recyclables a city resident may place at curbside on recycling days. The weight of each garbage can, including garbage, cannot exceed 50 pounds.

All trash/garbage and recycling rules must be complied with. Trash will not be picked up if in violation of this code. Customers will continue to be billed and mandated to pay weekly charges.



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 6 STREET CUTS AND EXCAVATIONS**

<b>6-6-1</b>	<b>Excavation Permit Required</b>	<b>6-6-4</b>	<b>Safety Measures</b>
<b>6-6-2</b>	<b>Application For Permit</b>	<b>6-6-5</b>	<b>Backfilling And Restoration</b>
<b>6-6-3</b>	<b>Permit Fees</b>	<b>6-6-6</b>	<b>Rules And Regulations</b>

### **6-6-1 EXCAVATION PERMIT REQUIRED**

Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

(Code of Iowa, Sec. 364.12(2))

### **6-6-2 APPLICATION FOR PERMIT**

No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

### **6-6-3 PERMIT FEES**

The permit fee shall be \$15.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$15.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

### **6-6-4 SAFETY MEASURES**

Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags,

etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police or Law Enforcement Officer the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

#### **6-6-5 BACKFILLING AND RESTORATION**

Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the mayor designee is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

#### **6-6-6 RULES AND REGULATIONS**

The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 7 SIDEWALK REGULATIONS**

6-7-1	Purpose	6-7-11	Failure To Obtain Permit; Remedies
6-7-2	Definitions	6-7-12	Inspection And Approval
6-7-3	Cleaning Snow, Ice, And Accumulations	6-7-13	Barricades And Warning Lights
6-7-4	Maintenance Responsibility	6-7-14	Interference With Sidewalk Improvements
6-7-5	Liability Of Abutting Owner	6-7-15	Special Assessments For Construction and Repair
6-7-6	Ordering Sidewalk Improvements	6-7-16	Notice of Assessment For Repair Or Cleaning Costs
6-7-7	Repairing Defective Sidewalks	6-7-17	Hearing And Assessment
6-7-8	Notice Of Inability To Repair Or Barricade	6-7-18	Billing And Certifying To County
6-7-9	Standard Sidewalk Specifications	6-7-19	ADAAG Compliance
6-7-10	Permits For Construction Or Removal		

## **6-7-1 PURPOSE**

The purpose of this Chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

## **6-7-2 DEFINITIONS**

As used in this Chapter, the following terms have these meanings:

1. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:
  - a. Vertical separations equal to three-fourths (3/4) inch or more.
  - b. Horizontal separations equal to three-fourths (3/4) inch or more.
  - c. Holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
  - d. Spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
  - e. Spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
  - f. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
  - g. A sidewalk with any part thereof missing to the full depth.
  - h. A change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.
2. **Sidewalk Improvements.** The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
3. **Owner.** The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

## **6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS**

It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the

Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

#### **6-7-4 MAINTENANCE RESPONSIBILITY**

The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

(Code of Iowa, Sec. 364.12(2c))

#### **6-7-5 LIABILITY OF ABUTTING OWNER**

As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

#### **6-7-6 ORDERING SIDEWALK IMPROVEMENTS**

The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

#### **6-7-7 REPAIRING DEFECTIVE SIDEWALKS**

It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized

and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(e))

#### **6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE**

It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this Chapter.

#### **6-7-9 STANDARD SIDEWALK SPECIFICATIONS**

Sidewalks constructed, repaired, or replaced under the provisions of this Chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.
7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.
8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.
10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this Chapter.

#### **6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL**

No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this Chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

#### **6-7-11 FAILURE TO OBTAIN PERMIT, REMEDIES**

Whenever any sidewalk improvements are made that do not conform to the provisions of this Chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this Chapter.

## **6-7-12 INSPECTION AND APPROVAL**

Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this Chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.

## **6-7-13 BARRICADES AND WARNING LIGHTS**

Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

## **6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS**

No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this Chapter.

## **6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR**

The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

## **6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS**

When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this Chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which Council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

## **6-7-17 HEARING AND ASSESSMENT**

At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

**6-7-18 BILLING AND CERTIFYING TO COUNTY**

Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

**6-7-19 ADAAG COMPLIANCE**

All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 8 NUMBERING OF BUILDINGS**

**6-8-1 Buildings to be Numbered**  
**6-8-2 Numbering System**  
**6-8-3 Mandatory Numbering**

**6-8-4 Type of Numbers, Size**  
**6-8-5 Enforcement**

### **6-8-1 BUILDINGS TO BE NUMBERED**

All buildings now or hereafter erected within the City limits shall be assigned numbers and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.

### **6-8-2 NUMBERING SYSTEM**

Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the west and north sides of all streets and the odd numbers shall be on the east and south sides of all streets.

### **6-8-3 MANDATORY NUMBERING**

The placing of numbers is mandatory effective January 1, 1998

### **6-8-4 TYPE OF NUMBERS, SIZE**

The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible and the numerals shall be not less than five inches in height.

### **6-8-5 ENFORCEMENT**

If numbers meeting the requirements of this Ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 9 BUILDING PERMITS**

<b>6-9-1</b>	<b>Purpose</b>	<b>6-9-11</b>	<b>Special Requirements for Residences</b>
<b>6-9-2</b>	<b>Structure Defined</b>	<b>6-9-12</b>	<b>Variances</b>
<b>6-9-3</b>	<b>Permit Required</b>	<b>6-9-13</b>	<b>Fences</b>
<b>6-9-4</b>	<b>Application</b>	<b>6-9-14</b>	<b>Curb Cuts</b>
<b>6-9-5</b>	<b>Fees</b>	<b>6-9-15</b>	<b>Authority of City Council</b>
<b>6-9-6</b>	<b>Plans Required</b>	<b>6-9-16</b>	<b>Permit Issued</b>
<b>6-9-7</b>	<b>Location of Structure</b>	<b>6-9-17</b>	<b>Limitations on Permit</b>
<b>6-9-8</b>	<b>Front Yard Requirements</b>		
<b>6-9-9</b>	<b>Side Yard Requirements</b>		
<b>6-9-10</b>	<b>Rear Yard Requirements</b>		

### **6-9-1 PURPOSE.**

The purpose of this chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

### **6-9-2 STRUCTURE DEFINED.**

Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks and similar uses.

### **6-9-3 PERMIT REQUIRED.**

No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

### **6-9-4 APPLICATION.**

All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

### **6-9-5 FEES.**

There shall be a permit fee of \$15.00 for such permit. The fee for an expedited permit (one which needs approved prior to the next regularly scheduled City Council meeting) shall be an additional \$150.00 for costs incurred for a special session meeting. Any person commencing construction without a permit shall pay a permit fee of \$265.00.

## **6-9-6 PLANS REQUIRED.**

Plans and specifications of any proposed structure shall be filed with the application for the permit.

## **6-9-7 LOCATION OF STRUCTURE.**

A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

## **6-9-8 FRONT YARD REQUIREMENTS.**

There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or
2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.
3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

## **6-9-9 SIDE YARD REQUIREMENTS.**

No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

## **6-9-10 REAR YARD REQUIREMENTS.**

There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

## **6-9-11 SPECIAL REQUIREMENTS FOR RESIDENCES.**

Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.
2. All residences shall have a permanent perimeter foundation.

## **6-9-12 VARIANCES.**

The city council may grant a variance to section 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

## **6-9-13 FENCES.**

No setback requirements shall be applicable to the construction of a fence.

## **6-9-14 CURB CUTS.**

No curb cut shall be constructed or permitted without first obtaining a building permit.

## **6-9-15 AUTHORITY OF CITY COUNCIL.**

The City Council shall have full authority to accept or reject any plans and specifications submitted.

## **6-9-16 PERMIT ISSUED.**

Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the city records.

## **6-9-17 LIMITATIONS ON PERMIT.**

In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.



# **TITLE VI PHYSICAL ENVIRONMENT**

## **CHAPTER 10 CABLE TELEVISION FRANCHISE**

<b>6-10-1</b>	<b>Definitions</b>	<b>6-10-7</b>	<b>Conditions of Street Occupancy</b>
<b>6-10-2</b>	<b>Grant of Authority</b>	<b>6-10-8</b>	<b>Rules</b>
<b>6-10-3</b>	<b>Use of Existing Poles</b>	<b>6-10-9</b>	<b>Franchise Term</b>
<b>6-10-4</b>	<b>Territorial Area Involved</b>	<b>6-10-10</b>	<b>New Developments</b>
<b>6-10-5</b>	<b>Standards and Safety</b>	<b>6-10-11</b>	<b>Service Rules and Regulations</b>
<b>Requirements</b>		<b>6-10-12</b>	<b>Compliance with FCC</b>
<b>6-10-6</b>	<b>Liability and Indemnification</b>	<b>Standards</b>	

### **6-10-1 DEFINITIONS.**

The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Cable television" is a system for the reception, transmission and/or origination of sounds, pictures, writings, data, signals and other intelligence by means of a network of coaxial cable or other conductors, equipment and appurtenances.
2. "Company" or "Grantee" means the grantee of rights under the ordinance codified in this chapter and is known as Farmers & Merchants Mutual Telephone Company and CATV.

### **6-10-2 GRANT OF AUTHORITY.**

There is hereby granted by the City to the Company the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above and over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the City, poles, wires, cables, underground conduits, manholes and other television conductors, and fixtures necessary for the maintenance and operation in the City of a cable television system for the interception, sale and distribution of television signals. The right to use and occupy said streets, alleys, public ways and places for the purpose herein set forth shall not be exclusive and the City reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of the franchise.

### **6-10-3 USE OF EXISTING POLES.**

The poles used by the Company for its distribution system shall be those poles erected, maintained and controlled by the City itself or any person operating under a franchise granted by the City or any person that shall have poles erected in, on, over or under the streets, avenues, sidewalks and alleys of the City, whether the same be by franchise or otherwise; it being the intention of this provision to eliminate the necessity for the Company to erect poles on the streets, avenues, sidewalks and alleys of the City by the use of pole line agreements with one or more owners of poles presently in existence.

#### **6-10-4 TERRITORIAL AREA INVOLVED.**

The franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of the franchise.

#### **6-10-5 STANDARDS AND SAFETY REQUIREMENTS.**

1. The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.
2. The Grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of the National Electric Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the City affecting the electrical installations which may be from time to time in effect.
3. All structures and all lines, equipment, and connections in, over, under and upon the streets, sidewalks, alleys and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.
4. In case of any disturbance of pavement, sidewalk, driveway or other surface, the Grantee shall, at its own expense and in a manner approved by the City, remove, replace and restore all pavements, sidewalk, driveway or surface so disturbed in as good a condition as before the work was commenced. In the event the City shall elect to alter or change any street, alley, easement or public way requiring the relocation of the facilities of the Company, the Company, upon reasonable notice by the City, shall move or relocate the same at its own expense.
5. Whenever it is necessary to shut off or interrupt service for repairs, installation or adjustments, the Company shall do so at such times as will cause the least amount of inconvenience to its customers.

#### **6-10-6 LIABILITY AND INDEMNIFICATION.**

The Company shall pay and, by its acceptance of the franchise, expressly agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of granting the franchise. The City shall notify the Company's representative in the City within fifteen (15) days after the presentation of any claim or demand to the City, either by suit, or otherwise, made against the City arising out of the granting of the franchise. The Company shall maintain, and by its acceptance of the franchise specifically agrees that it will maintain throughout the term of the franchise liability insurance insuring the City and the Company with regard to all damage mentioned above in the minimum amounts of \$100,000.00 property damage to any one person; \$200,000.00 for property damage resulting from any one accident; \$100,000.00 for personal injury to any one person; \$300,000.00 for personal injury arising out of any one

accident. The Company shall comply with all of the provisions of the Worker's Compensation Law of the State of Iowa.

#### **6-10-7 CONDITIONS OF STREET OCCUPANCY.**

1. All transmissions and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys and public ways or places.
2. The Company may enter into one or more contracts with the light, water and gas utilities in the City, power and telephone company or the owner or lessee of any poles or posts located within the City to whatever extent such contract or contracts may be expedient and of advantage to the Company in furnishing service covered by the franchise to its customers.
3. Any poles or other fixture placed in any public way by the Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.
4. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of the wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary wire changes.
5. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of the trees from coming in contact with the wires and cables of the Grantee except that at the option of the City such trimming may be done by it or under its supervision and direction at the expense of the Grantee.
6. The Company shall be notified seventy-two (72) hours in advance of any digging within the City limits to allow the Company to mark the location of underground cable.

#### **6-10-8 RATES.**

In consideration for services rendered to subscribers, the Company shall have the right to charge and collect reasonable and just compensation which shall reflect, among other things, the Company's need to attract new capital and provide a reasonable return on invested capital.

#### **6-10-9 FRANCHISE TERM.**

The franchise granted under this chapter shall terminate twenty (20) years from the date of grant, and may be renewed for successive twenty-year terms on the same terms and conditions

as contained in this chapter, provided that each renewal must be preceded by public proceedings involving public notice and opportunity for interested parties to participate, during which the Grantee's performance during the previous franchise term, plans for future operations, the adequacy of the franchise provisions and the consistency of the provisions with applicable FCC rules are all fully reviewed.

#### **6-10-10 NEW DEVELOPMENTS.**

It shall be the policy of the City to liberally amend the franchise, upon application of the Grantee, when necessary to enable the Grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers. Provided, however, this section shall not be construed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

#### **6-10-11 SERVICE RULES AND REGULATIONS.**

The Company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of this chapter and a copy of such service rules and regulations shall be kept on file at all times with the Clerk.

#### **6-10-12 COMPLIANCE WITH FCC STANDARDS.**

The Company shall fully comply with all technical standards adopted by the FCC as related to cable television systems.

## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 11 OUTDOOR FURNACES**

#### **6-11-1 Purpose**

#### **6-11-2 Definitions**

#### **6-11-3 Existing Outdoor Furnaces**

#### **6-11-4 Permit Applications**

#### **6-11-5 Enforcement and Violations**

### **6-11-1 PURPOSE**

The Richland City Council finds that smoke, odors and emissions caused by the use of outdoor furnaces can be detrimental to the public health and deprive residents of the enjoyment of their property. The purpose of this Chapter is to ban the installation and construction of outdoor furnaces and establish regulations and restrictions regarding the existing outdoor furnaces within the City of Richland, to promote the public health, comfort, safety and welfare of the public.

### **6-11-2 DEFINITIONS**

For the purposes of this Chapter, the following definitions apply:

- a. "Existing Outdoor Furnaces" means any outdoor furnace in existence as of January 1, 2018.
- b. "Outdoor Furnace" means any equipment, device or apparatus which is installed, affixed or situated outdoors or within another structure for the primary purpose of burning fuel to produce heat or energy used in whole or in part as a heating system to provide heat and/or hot water to any structure.
- c. "Stack" or "Chimney" means any vertical structure enclosing a flue or flues that carry off smoke, exhaust and other emissions from an outdoor furnace.

### **6-11-3 EXISTING AND NEW OUTDOOR FURNACES**

Any outdoor furnace in existence on January 1, 2018 shall be permitted to remain, and all new outdoor furnaces may be constructed, subject to the following requirements:

- a. All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer's specifications and instructions.
- b. All outdoor furnaces shall be laboratory tested and listed to appropriate safety standards, such as UL (Underwriters Laboratories), ANSI (American National Standards Institute) or other applicable safety standards. Outdoor furnaces shall not be located less than thirty (30) feet from the nearest lot line. Outdoor furnaces shall not be located within one hundred (100) feet from any residence not being served by the furnace.

- c. Only natural, untreated wood or the manufacturer's listed fuels may be burned in any outdoor furnace. Burning any other materials in the furnace is prohibited. Trash, plastics, gasoline, rubber, naphtha, household garbage, particle board, railroad ties, pressure treated wood or other materials treated with petroleum products, leaves, paper products and cardboard are prohibited.
- d. Petroleum products or chemicals shall not be used to start an outdoor furnace.
- e. Every outdoor furnace shall be equipped with a stack or chimney. All stacks and chimneys must be constructed as to withstand high winds and other weather elements. In no event shall a stack or chimney extend less than twelve (12) feet above the ground.
- f. In order to obtain a permit for an existing outdoor furnace, the furnace must be in compliance with all of the provisions of this Chapter and any other applicable county, state or federal regulations. All provisions shall continue to apply to an outdoor furnace after a permit has been issued. No existing outdoor furnace may be moved or replaced by a new outdoor furnace.

#### **6-11-4 PERMIT APPLICATIONS**

- 1. An application for an outdoor furnace permit shall be made to the City Clerk on a form provided by the City and shall contain and/or have attached thereto the following information:
  - a) Name, address, daytime and evening telephone number of the applicant.
  - b) Address of the lot upon which the outdoor furnace is located.
  - c) A site plan indicating the location of the outdoor furnace in relation to all lot lines.
  - d) The name of the manufacturer and model number of the outdoor furnace.
  - e) A description of the stack or chimney proposed to be used in connection with the outdoor furnace, including its height and a description of any guy wires or other devices to be used to support or stabilize the stack.
  - f) Such other information as the City Clerk shall require to show full compliance with this Chapter and other ordinances of the City.
- 2. Applicant. The applicant for an outdoor furnace permit shall in all cases be the owner of the lot on which the outdoor furnace is to be located.
- 3. The City Clerk shall issue an outdoor furnace permit or deny an outdoor furnace permit application within thirty (30) days of the receipt of a fully completed application. The City Clerk shall deny any application which is not filed in conformity with this section or which proposes an outdoor furnace which would be contrary to any provisions of the ordinances of the City of Richland. Any denial of an application shall provide, in writing, the reasons for such denial. If an application is denied, the permit fee shall be refunded to the applicant. A denial of an outdoor furnace permit application may be

appealed, by the applicant, to the Richland City Council. The appeal must be in writing and filed in the office of the City Clerk within twenty (20) calendar days after the date of the denial of the permit. The City Council will hold a hearing on the appeal within forty-five (45) days of the date that the appeal is filed with the City Clerk's office.

## **6-11-5 ENFORCEMENT AND VIOLATIONS**

- a. Any person who violates any of the provisions of this Chapter or any of the terms and conditions of any permit, regulation or lawful order of the City made under the authority of this Chapter shall be guilty of a simple misdemeanor and a municipal infraction. Each day that a violation exists or continues shall constitute a separate offense.
- b. If any outdoor furnace regulated under this Chapter is installed, constructed, moved, maintained or used in violation of this Chapter or in violation of the terms and conditions issued or made under the authority of this Chapter, a simple misdemeanor citation and/or a municipal infraction citation may be issued to remedy and/or abate the violation.



## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 12 ACCESSORY BUILDINGS AND STRUCTURES**

6-12-1 No accessory building or structure shall be erected on the property more than ninety (90) days prior to the time of completion of the principal structure or use.

6-12-2 A building permit must be issued prior to construction of any accessory building or structure.

6-12-3 Accessory buildings and structures, other than a private garage, shall be limited to twelve (12) feet in height for sidewalls, and no part of the structure shall be closer than five (5) feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.

6-12-4 A private garage or accessory building or structure may not be taller than the principal structure.

6-12-5 No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building or structure.

6-12-6 Only one (1) accessory building or structure, in addition to one (1) private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.

6-12-7 Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.

6-12-8 Principal Structures. Only one (1) principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory use or building may be located on a property that does not have a conforming principal structure in existence.



## **TITLE VI PHYSICAL ENVIRONMENT**

### **CHAPTER 13 UTILITIES- ELECTRIC FRANCHISE**

An Ordinance granting to INTERSTATE POWER AND LIGHT COMPANY, ("Company"), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Richland, Keokuk County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system of electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric places in the City of Richland, Keokuk County, Iowa, to supply individuals, corporation, communities and municipalities both the inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years and granting to said Company the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of Richland, Keokuk County, Iowa, hereinafter referred to as the "City":

Section 1. There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the "Company," its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, ad municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain and provided in Section 364.2 of the Code of Iowa.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Section 3. In making any excavations in any street, alley, or public place, Company, its successor and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

Section 4. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the results of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relation request.

Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten years.

Section 5. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

Section 6. During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

Section 8. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 9. The expense of the publication of this Ordinance shall be paid by the Company.

Section 10. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 11. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

Section 12. If any section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

Section 13. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact any Ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this Ordinance, that create additional burdens upon the Company, or which delay utility operations.

