

TITLE 9

HEALTH AND SANITARY REGULATIONS

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TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 1

BOARD OF HEALTH REGULATIONS

SECTIONS:

9-1-1	Local Regulations
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9-1-3	Enforcement of Regulations
9-1-4	License; Fees
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9-1-1 Local Regulations. The Board of Health, as established in Title 2, Chapter 3, of the City Code, shall assist the City Council and the City Administrator, or his or her designee, with the enforcement and regulations of the following City Ordinances, when the general welfare, health, and safety of the public is in danger:

- (A) Title 3, Chapter 2 - "Drains and Drainage".
- (B) Title 3, Chapter 12 - "Utility Connections".
- (C) Title 4, Chapter 1 - "Animal Regulations".
- (D) Title 8, Chapter 5 - "Housing Code".
- (E) Title 9, all chapters.

9-1-2 State Regulations. The Board of Health shall be responsible for the proper enforcement of Chapter 170A, the Iowa Food Sanitation Code, of the Code of Iowa as per the provisions of the Agreement between the City of Muscatine and the Department of Agriculture, dated January 1, 1979, and as amended from time to time. As per the Agreement, the City of Muscatine hereby adopts the following Codes as stipulated in Chapter 170A of the Iowa Code:

- (A) Iowa Hotel Sanitation Code, Chapter 170B of the Iowa Code.
- (B) Iowa Food and Beverage Vending Machine Laws, Chapter 191A of the Iowa Code.

- (C) Iowa Food Service Sanitation Code to be regulated in accordance with the 1976 edition, as amended and updated, of the Federal Food and Drug Administration "Food Service Sanitation Ordinance", subject to the following amendments:
1. Municipality Defined: The word "municipality" in the Code adopted by Section 2-6-10 shall be understood to refer to the City of Muscatine, Iowa.
 2. "Temporary food-service establishment" means a food-service establishment that operates at a fixed location for a period of time of not more than twelve (12) consecutive days in conjunction with a single event or celebration.
 3. Subsection 1-102 (h), (i), and (z) shall be deleted.
 4. Subsection 1-104 shall be deleted.
 5. Subsection 10-101 shall be amended so that the following food-service establishments are exempt from the license requirement:
 - (a) Food-service operations in schools.
 - (b) Places used by churches, fraternal societies, and civic organizations which engage in the serving of food not more often than ten (10) times per month.
 6. Subsection 10-101 shall be amended so that a license issued by the Iowa Department of Agriculture prior to the effective date of this adoption shall be valid until its expiration date.
 7. Subsection 10-201 shall be amended so that food-service operation in schools and summer camps shall be inspected at least once every year instead of twice every year.
- (D) Chapter 1351, 1989 Iowa Code Supplement and Chapter 641-15, Iowa Administrative Code.

9-1-3 Enforcement of Regulations. The City Administrator shall recommend to the Board of Health an individual to serve as City Health Officer. Upon approval of the Board of Health, the Health Officer shall be responsible for the enforcement of the state health regulations as stipulated in Section 9-1-2 of this chapter and such other duties and functions as required by the Agreement between the Board of Health and the Iowa Department of Agriculture. The City Health Officer shall also assist the City Administrator, or his or her designated representative, with the enforcement of the City regulations as stipulated in Section 9-1-1.

9-1-4 License; Fees. Food-service establishments, hotels, motels, and food and beverage vending machines must obtain an annual license, as required by the State Codes adopted by the City, pursuant to Section 9-1-2 of this chapter. The annual fee shall be as per the schedule stipulated in Section 170A.5, 170B.6, and 191A.4 of the Code of Iowa. Non-profit organizations, including churches, schools, and civic organizations shall be exempt from the Food Service Establishment License fee stipulated in Section 170A.5 of the Code of Iowa. Upon determination by the City Health Officer of violations as set out in Section 9-1-2 of this chapter, a fee for the reinspection to verify correction and/or compliance with said regulations shall be assessed to the licensee in the amount as provided from time to time by Resolution of the City Council and included in the schedule in Section 5-15-2 of the City Code.

9-1-5 Noncompliance.

- (A) Whenever any person having been served with a notice indicating a public health hazard existing in accordance with Sections 9-1-1 and 9-1-2 shall refuse, fail, or neglect to abate or remove the public health hazard referred to in such notice within the time therein stated, the City may cause such public health hazard to be abated and removed and to that end the City is authorized to use such tools, appliances, materials, labor, and assistance as may be reasonably necessary.
- (B) Whenever the City shall have caused the abatement or removal of any public health hazard defined in this chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him, giving the several items thereof, and the name of the person responsible for the commission of such public health hazard and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.
- (C) Upon receiving such report, the Council may levy a special tax thereon by resolution, and such tax shall be collected in the manner provided by the Code of Iowa.

9-1-6 Failure to Comply. Any person or owner of property who violates the provisions of this chapter shall be guilty of a misdemeanor and subject to a penalty of a fine not to exceed one hundred dollars (\$100.00), or by imprisonment not to exceed thirty (30) days. Each twenty-four (24) hour period during which such person shall not have complied with the provisions of this chapter shall be construed as a separate violation.

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 2

IOWA FOOD SERVICE SANITATION TRAINING CERTIFICATION

SECTIONS:

9-2-1	Purpose
9-2-2	Definitions
9-2-3	Food Service Training and Certification Required
9-2-4	Exemption from Requirements
9-2-5	Certification Process
9-2-6	Renewal of Certification
9-2-7	Proof of Certification
9-2-8	Display of Certification Required
9-2-9	Certificate Not Transferable
9-2-10	Penalty for Violation

9-2-1 Purpose. The purpose of this ordinance is to establish and require the certification of personnel in "food establishments" (FE) and "food service establishments" (RS), by requiring appropriate personnel to have knowledge of safe techniques for the storage, preparation, display and service of foods with the underlying purpose of preventing foodborne illness and protecting the public health and so that said personnel shall have knowledge to oversee employees within the sphere of their employment regarding the same.

9-2-2 Definitions. For the purposes of this ordinance the following meanings shall apply.

- (A) "Personnel" means individual(s) working in a food service establishment (RS) or food establishment (FE) who may be in charge of food preparation or service and who have the authority and responsibility to direct and control such activities.
- (B) "Food" means any raw, cooked or processed edible substance, ice, beverage, or ingredient used, or intended to be used, or offered for sale, in whole or in part, for human consumption.
- (C) "Foodborne Illness" means an incident in which two (2) or more persons experience a similar illness, usually gastrointestinal in nature, after the ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness.

- (D) "Food Service Establishment and/or Food Establishment" means any place where food is prepared or provided and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether or not there is a charge for the food. The term also includes retail food stores, mobile food units, and pushcarts. The term does not include private homes where food is prepared or served without compensation for individual family consumption, the location of food vending machines, and supply vehicles.
- (E) "Mobile Food Unit" means a vehicle-mounted food service establishment designed to be readily movable.
- (F) "Packaged" means contained in a bottle, can, carton, secure wrapping, or similar type(s) of containers and shall include both hermetically and non-hermetically sealed packaging.
- (G) "Person in Charge" means the individual present in a food service establishment or food establishment who is represented to the designated representative of the regulatory health authority as the supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present may be designated by the regulatory health authority as the person in charge. A person who exercises control over or operates a mobile food unit or pushcart shall be the person in charge.
- (H) "Potentially Hazardous Food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odorfree shell eggs or foods which have a pH level of 4.5 or below or a water activity (Aw) value of 0.85 or less.
- (I) "Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food or limited to the preparation and serving of frankfurters.
- (J) "Regulatory Health Authority" means the state and/or local enforcement authority having jurisdiction over food establishment (FE) or food service establishment (RS).
- (K) "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of time not exceeding that allowed by the "Food Service Establishment Laws and Rules" as promulgated by the State of Iowa and administered through the Department of Inspections and Appeals.

9-2-3 Food Service Training and Certification Required. Except as provided in Section 2, it shall be unlawful for any person owning, operating or managing any food establishment or food service establishment within the City of Muscatine to fail to employ in his/her/their employment at least one (1) person in possession of a certification for Food Service Training and Sanitation as provided in this ordinance. Said certificate holder shall be the owner, operator or his/her/their representative and shall satisfy the requirements of Section 5 of this ordinance.

- (A) The regulatory health authority may require additional personnel to possess Food Service Training and Sanitation certification in sufficient numbers to ensure that all food preparation and service is performed in accordance with local and state laws. It shall be unlawful for any person owning, operating, or managing a food establishment or a food service establishment to allow the operation of the establishment with less than the required number of certificate holders.
- (B) Whenever the Food Service Training and Sanitation certificate holder terminates employment, is terminated, or is transferred to another food establishment or food service establishment, it shall be the responsibility of the person(s) owning, operating or managing the establishment to insure that a resident certificate holder is employed at that site. Failure to comply with this section may be considered a violation of this ordinance.

9-2-4 Exemption from Requirements. The regulatory health authority may waive or modify the requirements of this ordinance for temporary food establishments and food service establishments, special facilities and/or events. Any such exemption or modification shall be supported by evidence, in writing, stating the reason(s) for such exemption or modification and maintained in the office of the regulatory health authority.

9-2-5 Certification Process. The City of Muscatine and/or the State of Iowa Department of Inspections and Appeals, shall provide training for any person(s) interested in obtaining Food Service Training and Sanitation certification as required by this ordinance. Said training shall be provided on a regular basis and as demand dictates but not less frequently than may be established by resolution of City Council and/or established by State law. However, the adopted schedule for training may be altered by the regulatory health authority to allow for a minimum of twenty (20) participants. Fees shall be assessed to participants of the training and certification program as needed to provide notice of the session(s), acquire training materials, rent space necessary for the training, and related costs. It shall be the intent of this section that fees assessed to participants reflect only those costs directly associated with providing the training and certification as required herein.

9-2-6 Renewal of Certification. The holder of a Food Service Training and Sanitation certificate shall renew his/her certificate every five (5) years in accordance with Section 5.

9-2-7 Proof of Certification. It shall be the responsibility of the owner, manager, or his/her/their agent to provide proof of compliance with this ordinance. Proof of compliance shall consist of one of the following:

- (A) Possession of a certification granted by the federal government as administered through the Food & Drug Administration and/or the United States Department of Agriculture, a copy of which shall be surrendered to the regulatory health authority who, if satisfied as to its compliance with the intent of this ordinance, shall issue a Food Service Training and Sanitation certificate as required herein; or
- (B) Possession of the Food Service Training and Sanitation certificate issued by the regulatory health authority as established by this ordinance.

9-2-8 Display of Certification Required. All owners, managers or their agents shall cause the display of any Food Service Training and Sanitation certifications possessed by onsite certification holders, at their place of employment, in a prominent location, which shall be visible to the public and serve as public notice that the establishment is in compliance with the contents of this ordinance.

9-2-9 Certificate Not Transferable. A Food Service Training and Sanitation certificate shall not be transferable from one person to another person.

9-2-10 Penalty for Violation. Any owner, manager, or agent representing the owner or manager, who violates a provision of this ordinance or any holder of a Food Service Training and Sanitation certification who does not comply with the requirements of this ordinance shall be deemed guilty of a municipal infraction.

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CHAPTER 3

GARBAGE

SECTIONS:

9-3-1	Definitions
9-3-2	Sanitation District
9-3-3	Deposit, Accumulation, and Burning
9-3-4	Preparation of Refuse for Collection
9-3-5	Refuse Containers
9-3-6	Removal of Container Lids
9-3-7	Cleaning of Containers
9-3-8	Prohibited Materials
9-3-9	Containers - Location
9-3-10	Collection of Refuse
9-3-11	Collection Fees
9-3-12	Notice of Multiple Dwellings
9-3-13	Violation Declared Nuisance
9-3-14	Responsibility of Owner to Terminate Service
9-3-15	Assessment of Unpaid Charges
9-3-16	Preparation of Delinquent List

9-3-1 Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

- (A) "Ashes" shall mean and include the ashes of wood, paper, coal, coke, or charcoal and the residue resulting from the combustion of any material or substance.
- (B) "Commercial rubbish" shall mean trade wastes such as packing, paper, cardboard, excelsior, straw, crates, boxes, discarded merchandise, glass, plastics, metals, crockery, garbage, and other similar products or materials.
- (C) "Curbside" shall mean at the lot line abutting a public alley if the property is served by such an alley and shall mean within three feet (3') of the edge of the paved portion of a public street (a public sidewalk shall be excluded from the calculation of said three feet (3')).
- (D) "Domestic refuse" shall mean garbage, ashes, and miscellaneous rubbish originating from a building or buildings containing exclusively dwelling units or accessory uses to a dwelling unit and shall be divided into the following three (3) classes:

1. Class I - Domestic (single family and multi-family up to five (5) units) refuse permitted to be stored in trash cans.
 2. Class II - Domestic (six (6) or more dwelling units) and commercial refuse permitted to be stored in trash cans.
 3. Class III - Domestic refuse consisting entirely of miscellaneous rubbish.
- (E) "Dumpster" shall mean any container with at least a one (1) cubic yard capacity and a maximum of one and one-half (1 1/2) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.
- (F) "Garbage" shall mean animal, vegetable, or mineral waste products resulting from the handling, storage, preparation, cooking, or consumption of food or any matter that may decompose and become offensive or dangerous to health, including but not limited to body wastes of domestic pets.
- (G) "Hazardous materials" shall include explosive materials; drugs; poisons; radioactive materials; highly combustible materials; solid dressings, clothing, bedding, or other wastes which are contaminated by infection or contagious disease; other wastes which present an unreasonable risk of injury to collection personnel or equipment or to the public; and material as defined by the Iowa Department of Environmental Quality as hazardous.
- (H) "Household hazardous waste" shall mean toxic and/or corrosive products, e.g. oil-based paints, insecticides, thinners, solvents, cleaners, turpentine, furniture stripper, nail polish remover, etc.
- (I) "Industrial waste" shall mean wastes such as acids; oils; chemicals; grease; tires; vehicle and aircraft parts; ashes; cinders; and other wastes, including construction wastes, such as earth, plaster, metals, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, minerals, and other similar wastes.
- (J) "Miscellaneous rubbish" shall mean materials or substances discarded as worthless, such as paper, rags, cardboard, wearing apparel, excelsior, sticks, chips, leaves, straw, bottles, crockery, metals, plastics, tin cans, and other household items.
- (K) "Refuse" shall be the generic term and shall include within its meaning ashes, commercial rubbish, domestic refuse, garbage, and miscellaneous rubbish.
- (L) "Residential premise" shall mean a single family dwelling, a multiple family dwelling consisting of up to and including five (5) units, or a property used by the City of Muscatine.

- (M) "Trash can" shall mean any container with not less than twenty (20) gallon capacity and not more than forty (40) gallon capacity, which container may be made of metal or plastic but shall be watertight. Plastic trash bags, provided they are of sufficient capacity and are at least one and one-half (1 1/2) mils thick, may be used in lieu of other containers.
- (N) "Yard wastes" shall mean organic debris, e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc. which is produced as part of yard and garden development and maintenance.
- (O) "Yard waste bag" shall mean a special degradable bag supplied by the City with not less than fifteen (15) gallon capacity nor more than twenty-five (25) gallon capacity. This bag shall be capable of decomposing within 60 days of exposure to aerobic bacteria or ultraviolet light.

9-3-2 Sanitation District. There is hereby established in the City a sanitary district, such district to comprise and embrace all the area within the corporate limits of the City, for the collection and disposal of garbage and such other waste material as may become dangerous to the public health or detrimental to the best interests of the community, such provision being in compliance with the Code of Iowa.

9-3-3 Deposit, Accumulation, and Burning.

- (A) Unless otherwise provided, no person shall burn, place, throw, deposit, drop, dump, spill, or store, or cause to be burned, placed, thrown, deposited, dropped, dumped, spilled, or stored on any public or private property any refuse or hazardous material.
- (B) Unless otherwise provided, no owner shall allow to be accumulated on their premises any refuse or hazardous material.
- (C) Nothing in this chapter shall prohibit the burning of leaves in accordance with Title 6, Chapter 4 of the City Code.

9-3-4 Preparation of Refuse for Collection. No person shall place refuse out for collection unless properly prepared for collection. Garbage shall be thoroughly drained and wrapped or placed in disposal containers before being placed into containers for collection. Liquid waste shall be in sealed containers. Yard waste that is not composted on the premises shall be prepared as follows:

- (A) Grass clippings shall only be placed in specially marked yard waste bags that are distributed by the City through retail outlets.
- (B) Tree limbs and trimmings, clippings, and other similar waste from shrubs or trees shall be bundled with degradable string or cord in four foot (4') lengths.

- (C) Leaves not collected by the City's leaf vacuum units shall be placed in yard waste bags distributed by the City through retail outlets.
- (D) Other yard wastes shall be placed in yard waste bags distributed by the City through retail outlets.

9-3-5 Refuse Containers. It shall be unlawful for any person to keep refuse on his premises except in the appropriate containers as prescribed in this section. The required containers shall be as follows:

(A) Type of Building.

1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of two (2) trash cans for a building containing five (5) or fewer dwelling units.
2. Commercial and Industrial Buildings. The owner, agent of the owner, or the occupant of any multi-family units of six (6) units or more or commercial or industrial building shall provide a sufficient number of dumpsters or trash cans so that all commercial rubbish can be contained therein during the interval between collections.

(B) Type of Refuse.

1. Garbage, Ashes, and Commercial Rubbish. This type of refuse shall be placed in either trash cans or dumpsters as required in (A) above.
 2. Miscellaneous Rubbish. Miscellaneous rubbish shall be placed in suitable containers for handling and shall not exceed a loaded weight of fifty (50) pounds. Large discarded household articles shall be less than ten (10) cubic feet in volume and shall not weigh more than fifty (50) pounds. Yard waste shall be prepared and placed for collection as set forth in Section 9-3-4.
- (C) Separation of Yard Wastes Required. Effective May 1, 1990, all yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, collected by leaf vacuum units, or placed in degradable bags supplied by the City and set out for collection by the City.

9-3-6 Removal of Container Lids. No person shall remove a container lid or allow to remain uncovered a trash can or dumpster except for the purpose of depositing refuse therein, for collection thereof, or for the cleaning thereof.

9-3-7 Cleaning of Containers. The owner of a trash can or dumpster shall clean and maintain such in a sanitary condition.

9-3-8 Prohibited Materials. No person shall place or cause to be placed in containers for refuse any of the following materials:

- (A) Material contaminated by infectious or contagious disease. Such materials may be disposed of only according to applicable State and/or Federal Law.
- (B) Hazardous materials. Such materials may be disposed of only according to applicable State and/or Federal Law. However, household hazardous wastes are exempted.
- (C) Waste motor oil. Such material shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.
- (D) Lead acid batteries. Such materials shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.

9-3-9 Containers — Location

- (A) Refuse containers shall be placed for City collection pursuant to subsections (B) and (C) at or before 5:00 a.m. on collection days, but in no case, earlier than 4:00 p.m. the day before collection. Empty containers on curb setouts shall be returned to the container storage area within twelve (12) hours after collection. The storage area shall be either within a building or to the rear or side of the residence. The owner and tenant/occupant are jointly and severally responsible for compliance with this chapter.
- (B) Where City collections are made from alleys, refuse containers shall be placed adjacent to and in back of the property line abutting the alley. Special arrangements may be made with the City to permit containers or dumpsters in the alley if the owner's building is on the property line.
- (C) Where City collections are made from streets, refuse collection containers shall be placed within three feet (3') of the back of the curb line or the shoulder of the street without causing the container to be placed on any public street or sidewalk.
- (D) Owners who choose to line refuse containers with plastic may set out refuse to be collected in the bags if the bags are completely intact and tightly sealed.

- (E) Any handicapped or senior citizen owner who is unable to set out their refuse containers pursuant to subsections (B) and (C) may petition the Sanitation Superintendent to collect their refuse at their regular storage area. The Superintendent may grant the request if reasonable grounds for the request exist.

9-3-10 Collection of Refuse.

- (A) The City of Muscatine shall collect and dispose of weekly only Class I and Class III domestic refuse, but only if said domestic refuse is properly prepared for collection and disposal, is within an authorized container (if required), and is at curbside or adjacent to the alley.
- (B) The City of Muscatine will collect and dispose of Class II domestic and commercial refuse upon request by the owner, provided such refuse is within authorized containers. The City will not pick up dumpsters.
- (C) The City shall adopt rules and regulations concerning what materials within Class III domestic refuse cannot practically be collected as part of the weekly scheduled City collection. Those rules and regulations shall be filed with the City Clerk. All such materials listed as not practical for weekly collection shall be collected by the City by special collection arranged through the Sanitation Superintendent during the City's "cleanup" week in the spring.
- (D) All refuse other than Class I, II, and III domestic and commercial refuse picked up by the City of Muscatine shall be collected and disposed of at the expense of the occupant, tenant, owner, or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a licensed refuse hauler pursuant to Title 5, Chapter 10 of the City Code, or by equipment owned by the occupant, tenant, owner, or the agent of the owner of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the City, and with state and federal laws and regulations and shall be performed or done as often as the need requires but in no case less often than once per week.

9-3-11 Collection Fees. The City Council shall establish by resolution monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The fees shall be set out pursuant to Title 5, Chapter 15 of this Code.

9-3-12 Notice of Multiple Dwellings. It shall be the duty of the owners of multiple dwellings to notify the City of the persons occupying the premises for which the services of this Chapter shall be required. The City shall keep a list of all persons occupying multiple dwellings and shall notify all owners thereof of delinquent accounts owed by the occupants of such premises, when such account shall be delinquent for more than three (3) months.

9-3-13 Violation Declared Nuisance. The presence on any premises of any garbage or refuse in violation of any Section of this Chapter is hereby declared a nuisance and it is hereby provided that either the owner or occupant, or both, of such premises shall be subject to the provisions as set forth in Title 9, Chapter 4 of the City Code.

9-3-14 Responsibility of Owner to Terminate Service. Charges shall be made against all premises and it shall be the responsibility of the owner or occupant to notify the City when service is not desired when the building is vacant.

9-3-15 Assessment of Unpaid Charges. The collection of garbage and refuse by the City, as provided by this Chapter, is hereby declared a benefit to the property so served and in case of failure to pay the monthly collection fee heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by special assessment.

9-3-16 Preparation of Delinquent List. On or before April 1st of each year, the Director of Finance shall prepare a delinquent list of persons failing to pay the monthly charge required by this Chapter, which list shall show the property to which the service was rendered and the amount due therefrom. The City Clerk shall thereupon prepare a resolution assessing the delinquent charges to the property so benefited, and which resolution having passed by an affirmative vote of the Council, shall be certified for collection as provided by law in cases of special assessment.

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 4

NUISANCES

SECTION:

- 9-4-1 Definition
- 9-4-2 Prohibited
- 9-4-3 Notice to Abate; Remove
- 9-4-4 Noncompliance
- 9-4-5 Violation; Penalty
- 9-4-6 Remedy by Bringing Suit

9-4-1 Definition. For use in this Chapter, the following terms are defined:

- (A) The term "nuisance" means whatever is injurious to health, indecent, offense to the senses, or an obstacle to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. It is hereby implied within the foregoing definition of "nuisance" that a nuisance may cause financial loss and/or adversely affect the value of other properties. The following are declared to be nuisances:
- (1) All dead, putrid, or decaying carcasses, flesh, fish, fowl, or vegetables; all deposits and accumulations of manure, entrails, offal, or other unwholesome substance; filth of any description or filthy or offensive slops; and garbage, litter, or debris when deposited or thrown upon or conducted or permitted to accumulate into or upon any alley, street, or public place or into or upon any privately owned lot or enclosure.
 - (2) Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, alley, or railroad track so as to render dangerous the use thereof, especially near intersecting streets.
 - (3) Any use of property abutting a public street or sidewalk which permits dirt, rock or debris to accumulate on said street or sidewalk.
 - (4) All private water closets or outhouses which have become offensive to the senses or dangerous to health.
 - (5) All houses, barns, stables, stores, shops, markets, factories, or other buildings and structures, and the premises connected therewith, which are not kept clean and free from all filthy, putrid, or unwholesome substances or clean and free from all deposits and accumulations which are offensive to the senses or liable to engender or cause disease.

- (6) All houses, barns, stables, stores, shops, markets, factories, or other structures when through neglect, abandonment, vacancy, disrepair, or vandalism become an attractive nuisance or hazardous to the public.
- (7) Unsafe buildings. All buildings or structures that are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to the health, safety, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment as specified in this chapter, the City Building Code, or any other ordinance, are for the purpose of this Chapter, unsafe buildings. All such unsafe buildings are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, or demolition in accordance with the procedure specified in 9-4-3 of this Chapter.

"Unsafe building" shall mean any structure or building meeting any or all of the following criteria:

- (A) Whenever any portion or member of a building or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (B) Whenever a portion or member of a building has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or snow loading than is required in the case of similar new construction.
- (C) Whenever the building or structure, or any portion thereof, because of 1) dilapidation, deterioration, or decay; 2) faulty construction; 3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; 4) the deterioration, decay or inadequacy of its foundation; or 5) any other cause, is likely to collapse partially or completely.
- (D) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
- (E) Whenever the building or structure has been damaged by fire, wind, flood, or has become dilapidated or deteriorated as to become 1) an attractive nuisance to children; 2) a harbor for vagrants, criminals, or as to 3) enable persons to resort thereto for the purpose of committing unlawful acts.
- (F) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Official or Health Officer to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.
- (G) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections, or maintenance of heating and/or cooling equipment, or other cause, is determined by the Building Official or City Fire Marshall to be a fire hazard.

- (H) Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure, or whenever any building or structure is abandoned, or whenever any building or structure is abandoned for a period of six (6) months so as to constitute such building or portion thereof to be an attractive nuisance or hazard to the public.

All lots and parcels of ground wherever water is permitted to accumulate and stand until stagnant or upon any privately owned lot.

Ashes, cinders, leaves, grass, tools, implements, machines, soil, dirt, sand, gravel, lumber, brick, or other building material, or any other thing or substance deposited, stored, placed, or permitted to be or come in or into or upon any street, alley, public place, or into or upon any privately owned property which obstructs, hinders, or prevents the full and free use of any part of such street, alley, public place, or private property the free and uninterrupted flow of water in, upon, and away from the same.

- (10) Any lot or parcel of land abutting upon any street, alley, or public place so maintained that the soil thereof of substances thereon are carried into and upon any sidewalk, street, alley, or public place by the action of the owner or the elements.
- (11) Any unused, abandoned, junked, or obsolete cars or motor vehicles whether on private or public property. A junked or obsolete car or motor vehicle shall be a car or motor vehicle, or a portion thereof, not in running condition or not licensed for the current year as provided by law. This section shall not apply to a vehicle, or part thereof stored within a building, or protected with a fitted cover designed specifically as a vehicle cover. The use of tarps, blankets, or similar temporary covers shall not be deemed acceptable under this section.
- (12) All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate.
- (13) Any abandoned or unattended refrigerator, icebox, or similar container with doors that may become locked located outside of buildings and accessible to children, or to allow any such refrigerator, icebox, or similar container to remain outside of buildings on premises in the person's possession or control to remain abandoned or unattended and so accessible to children.
- (14) Any poison, poisonous meat, or any other poisonous substance in any place outside of any residence, or where it may endanger life by being taken and used by any person, or who shall so expose any such poison or poisonous substance where the same shall be taken by any dog, hog, cat, or any animal or living thing.
- (15) "Junk" means any metal or wood, whether usable or not, stored in such a manner that it constitutes a health or safety hazard.
- (16) "Refuse" means any material not junk, garbage, or filth deposited upon property in an unsightly or unhealthy condition.

- (17) "Garbage" means all wastes from the preparation or spoilage of food.
- (18) "Filth" means excrement, either animal or human, or any material connected herewith.

9-4-2 Prohibited. The causing, permitting, or continuing of any nuisance as provided in this Chapter is hereby prohibited, and may be abated in the manner provided in this Chapter, or as otherwise provided by law.

9-4-3 Notice to Abate: Remove.

- (A) Whenever any nuisance as defined in this Chapter is found to exist, the City shall serve upon the owner, occupant, or agent of the property upon which such nuisance is found to exist or from which such nuisance comes, or upon the person causing or permitting such nuisance to exist upon or in any street, alley, public place, or private property, a notice requiring him to abate or remove such nuisance within ten (10) days or such time as the City may determine to be reasonably sufficient to enable such abatement or removal to be made and that upon failure of the owner, occupant or agent of the property to comply with such notice, the City shall abate or remove such nuisance and, either assess the costs of such abatement or removal against the property or seek reimbursement for costs incurred in abating or removing such nuisance by civil action for damages against the owner, occupant or agent of the property to recover such costs.
- (B) Any notice required by this Section shall be served by:
 - (1) Sending the notice to the occupant of the property, the record title holder, or both by certified mail with return receipt requested; or
 - (2) Serving said notice upon the occupant of the property or the record title holder by personal service; or
 - (3) Posting a copy of said notice upon the property in the event (1) or (2) cannot be used; or
 - (3) Publishing said notice once in a newspaper of general circulation within the City.

9-4-4 Non-compliance.

- (A) Whenever any person having been served with a notice for the reason and in the manner prescribed by Section 9-4-3 of this Code shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, the city may cause such nuisance to be abated and removed and to that end the City is authorized to use such tools, appliances, materials, labor, and assistance as may be reasonably necessary.
- (B) Whenever the City shall have caused the abatement or removal of any nuisance defined in this Chapter, the City Clerk shall report the fact in writing to the Council, stating the cost and value of all tools, appliances, materials, labor, and assistance used, consumed, and performed by and for him, giving the several items thereof, and the name of the person responsible for the commission of such nuisance and a description of the property, lot, or parcel of ground whereon such nuisance existed or from which the same came.

- (C) Upon receiving such report, the Council may assess the costs against the property by resolution for collection in the same manner as a property tax.

9-4-5 Violation; Penalty. Whenever any person having been served with a notice for the reason and in the manner prescribed by Section 9-4-3 of this Code shall refuse, fail, or neglect to abate or remove the nuisance referred to in such notice within the time therein stated, in lieu of the procedure provided in Section 9-4-4 of this Code, such person may be determined to be guilty of a misdemeanor and subject to penalty of a fine not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days. Each twenty four (24) hour period during which such person shall not have complied with the provisions of this Chapter shall be construed as a separate violation.

9-4-6 Remedy by Bringing Suit. Upon complaint and investigation, the City Council may direct the City Attorney to bring suit to abate and/or recover nuisance abatement costs in the proper court.

- (A) Process: When upon indictment, complaint, or civil action, any person is found guilty of erecting, causing, or continuing a nuisance or other prohibited condition, the court before whom such finding is had may order, in addition to the judgment from damages or costs for which a separate execution may issue, that such nuisance or condition may be abated or removed at the expense of the defendant, and after inquiry into and estimating as nearly as can be the sum to defray the expense of such abatement, the court may issue a warrant therefore.
- (B) Stay of Execution: Instead of issuing a warrant, the court may order the same to be stayed upon motion of the defendant, and upon his or her entering into an undertaking to the City in such sum and with such surety as the court may direct, conditioned either that the defendant will discontinue said nuisance or condition, or that within a time limited by the court, and not exceeding six (6) months, he or she will cause the same to be abated and removed, as either is directed by the court; and upon failure to perform the condition of his undertaking, the same shall be forfeited, and the court, upon being satisfied of such default, may order such warrant forthwith to issue, and action may be brought on such undertaking.
- (C) Expense, How Collected: The expense of abating a nuisance or condition by virtue of a warrant can be collected by the officer in the same manner as damages and costs are collected on execution, except that the materials of any buildings, fences, or other things that may be removed as a nuisance or condition may be first levied upon and sold by the officer, and if any proceeds remain after satisfying the expense and removal, such balance must be paid by the officer to the defendant, or to the owner of the property levied upon; and if said proceeds are not sufficient to pay such expenses the officer must collect the remainder.

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 6

SOLID WASTE DISPOSAL

SECTIONS:

9-6-1	Definitions
9-6-2	Disposal Permit Required
9-6-3	Depositing Refuse
9-6-4	Use of Authorized Disposal Sites
9-6-6	Hours for Disposal
9-6-7	Removal of Refuse
9-6-8	Dumping in Public Places
9-6-9	Responsibility of Owner; Occupant
9-6-10	Garbage; Waste; Depositing on Riverfront
9-6-11	Disposal Charges
9-6-12	Prohibited Waste

9-6-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

- (A) "Disposal site" shall mean any public property operated by the City under permit by the Iowa Department of Natural Resources (IDNR). It shall also include any landfill operated by the City under contractual agreement with the Muscatine County Solid Waste Management Agency; or any privately operated landfill with proper permit approval of IDNR.
- (B) "Rules" shall mean such rules, procedures, and regulations as established by the IDNR pursuant to the operation of sanitary and solid waste disposal sites and as required by Section 455B, Division IV of the Code of Iowa.
- (C) "Solid waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, domestic activities. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal site.

9-6-2 - Disposal Permit Required. No person owning or occupying any premises, and no officer controlling or in charge of City premises, shall cause any ashes, refuse, or other solid waste material to be placed thereon or shall allow such premises to be used as a public landfill or disposal site for ashes, refuse, or other solid waste material, without a permit from the Iowa Department of Natural Resources, and only then in accordance with the rules prescribed by the Iowa Department of Natural Resources.

9-6-3 Depositing Refuse. No person shall, without permission from the City of Muscatine and the Iowa Department of Natural Resources, throw or deposit in or upon any street, way, public place, or vacant lot, or throw into or deposit in any pond or body of water within the limits of the City any dead animal, dirt, sawdust, wastewater, rubbish, filth, or any refuse material or substance whatsoever.

9-6-4 Use of Authorized Disposal Sites. All of the materials mentioned in the preceding Section, and as defined by Section 455B of the Code of Iowa, shall be dumped at authorized disposal sites, which shall be designated from time to time by the City Council, subject to approval by the Iowa Department of Natural Resources, for the purposes of receiving such refuse material.

9-6-5 Supervision of Disposal. All disposal at the authorized landfill disposal site shall be under the supervision of the City and shall be performed in accordance with the rules and regulations established by the IDNR.

9-6-6 Hours of Disposal. No refuse materials or substances shall be dumped at the public disposal site outside the hours of operation as posted at the site unless by permission of the City.

9-6-7 Removal of Refuse. It shall be unlawful for any person to remove, haul, or carry away refuse, rubbish, waste matter, garbage, debris, and solid waste of any nature and description from the City disposal site, except for authorized recycling personnel.

9-6-8 Dumping in Public Places. It shall be unlawful for any person to deposit upon any of the streets, alleys, or other public places any offensive material or solid waste which will engender offensive odors and sights.

9-6-9 Responsibility of Owner; Occupant. Every person owning or occupying premises is hereby required to keep such premises clean and free from all offensive materials and solid waste which are likely to engender offensive odors and sights.

9-6-10 Garbage: Waste: Depositing on Riverfront. No person shall deposit any garbage or solid waste matter whatsoever at any place along the riverfront or levee.

9-6-11 Disposal Charges. The City Council shall establish by resolution fees for the disposal of solid waste. The fees shall be set pursuant to Title 5, Chapter 15 of this Code.

Unpaid disposal charges thirty (30) days past due from the date of billing will be assessed an interest penalty on the unpaid balance. This penalty will be as follows:

<u>Unpaid Balance</u>	<u>Interest Penalty</u>
0 - \$100	0%
Over \$100	1 1/2% per month

9-6-12 Prohibited Waste. There shall be no disposal of solid waste or refuse which is defined by the IDNR as hazardous or that is otherwise prohibited, upon any public or private land or sanitary landfill without the approval of the IDNR and the City of Muscatine. Prohibited wastes shall include, but are not limited to, the following wastes:

<u>Waste</u>	<u>Effective Date</u>
Lead Acid Batteries	July 1, 1990
Waste Motor Oil	July 1, 1990
Yard Wastes	January 1, 1991
Tires	July 1, 1991

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 7

STAGNANT WATER

SECTIONS:

- 9-7-1 Resolution for Filling; Draining
- 9-7-2 Compliance by Owner Required; Lien on Property
- 9-7-3 Filling Land; Special Tax
- 9-7-4 Tax Levy; Publication of Resolution; Hearing

9-7-1 Resolution for Filling; Draining. The Council may at any time, by resolution, order any piece of land or lot upon which water at any time becomes stagnant to be filled up to such a height or to be drained in such manner and within such time as the Council, in such resolution, shall direct. The City Engineer shall submit a report to the City Council with recommendations on type of fill to be used, grade to be established, the need, if any, for relief storm sewers, and such other matters which he or she deems necessary.

9-7-2 Compliance by Owner Required; Lien on Property. It shall be the duty of the owner of any piece of land or lot upon which water may become stagnant, or his agent, after service on him of a copy of the resolution provided for in the preceding Section, or after a publication of such resolution two (2) successive weeks in some newspaper of general circulation, to comply with the direction of such resolution within the time therein specified and in case of failure or refusal to do such work as set out in such resolution, it may be done at the expense of the City, and the amount of money expended therefor shall be a debt due to the City from the owner of such property and shall be a lien on such piece of land or lot from the time of the adoption of the resolution.

9-7-3 Filling Land; Special Tax. The expense of filling any piece of land or lot by the City upon which water becomes stagnant may be levied as a special tax thereon. Such levy shall be made by resolution, and such tax shall be collected in the manner provided for the collection of other special taxes.

9-7-4 Tax Levy; Publication of Resolution; Hearing. The

resolution levying the tax mentioned in Section 9-7-3 of this Code shall be published and a hearing given in the manner as provided for the assessment of the costs, as stipulated by the Code of Iowa.

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 8

WATER SUPPLY

SECTIONS:

9-8-1	Quality
9-8-2	Separation of Distribution Systems
9-8-3	Water Service Pipe
9-8-4	Water Supply to Fixtures
9-8-5	Flushometers
9-8-6	Minimum Size of Water Service Pipes
9-8-7	Shut-offs
9-8-8	Setting Water Meters
9-8-9	Material for Pipes and Fixtures
9-8-10	Protection from Freezing
9-8-11	Relief Valves
9-8-12	Pumps and Hydrants; Surface Water
9-8-13	Unauthorized Opening; Use
9-8-14	Tapping Water Mains; Distributing Pipes
9-8-15	Breaking Seals
9-8-16	Throwing Substances into Reservoirs; Water Mains
9-8-17	Outlets Kept Closed; Repair of Fixtures
9-8-18	Compliance
9-8-19	Breaking, Defacing Hydrants
9-8-20	Defacing Reservoirs; Tanks
9-8-21	Authorized Inspectors; Right of Entry
9-8-22	Plumbers Permit
9-8-23	Backflow Prevention
9-8-24	Plastic Pipe

9-8-1 Quality. The quality of water shall meet accepted standards of purity as established by the Board of Water and Light Trustees, by the State of Iowa, and by the Federal Government.

9-8-2 Separation of Distribution Systems. The water supply shall be distributed through a piping system entirely independent of any piping system conveying any other supply.

9-8-3 Water Service Pipe. The water service pipe of any building shall be of sufficient size to permit an ample flow of water on all floors.

9-8-4 Water Supply to Fixtures. All plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve of at least three (3) gallons flushing capacity for water closets and at least two (2) gallons for urinals and shall be adjusted to prevent the waste of water. The flush pipe for water closet flush tanks shall be not less than one and one-fourth inches (1 1/4") in diameter and the water from flush tanks shall be used for no other purpose.

9-8-5 Flushometers. No water closet or urinal bowl shall be supplied directly from a water supply system through a flushometer or other valve unless such valve is set at least six inches (6") above the overflow rim of the water closet or urinal or in a manner such as to prevent any possibility of polluting the water supply.

9-8-6 Minimum Size of Water Service Pipes. The minimum size of water service pipes from the curb to the dwelling shall be three-fourths inch (3/4") and to fixture supplies as follows:

Sill cocks	1/2 inch
Hot water	1/2 inch
Laundry equipment	1/2 inch
Sinks	1/2 inch
Lavatories	3/8 inch
Bathtubs	1/2 inch
Water closet tanks	3/8 inch
Urinals	3/8 inch
Showers	1/2 inch

9-8-7 Shut-offs. A main shut-off on the water supply line shall be provided near the curb. Accessible shut-offs shall be provided on the main supply line just inside the foundation wall and ahead of the meter.

9-8-8 Setting Water Meters. Plumbers shall provide for the setting of City water meters in accordance with the policies established by the Board of Water and Light Trustees.

9-8-9 Material for Pipes and Fixtures. All water supply pipes for a plumbing system shall be of copper, galvanized cast iron or steel, brass, or cast iron, with brass or galvanized cast iron or galvanized malleable iron fittings. When cast-iron fittings are used on cast-iron water mains, they shall be of the same material as the water main. All new water service connections must be of type K copper tubing from the corporation stop in the main to the inside of the property basement, and all broken gal-

vanized water service pipes hereto installed shall be replaced with type K copper tubing. No pipe or fittings that have been used for other purposes shall be used for the distribution of water.

9-8-10 Protection From Freezing. All concealed water pipes and storage tanks subjected to freezing temperatures shall be protected against freezing. All water pipes shall be installed so as to be easily drained and are to be hung or laid without trapping the same if possible.

9-8-11 Relief Valves. All hot water storage tanks shall be extra heavy. On all hot water storage tanks, and wherever a check valve is installed on the cold water supply pipe between the street main and the hot water tank, there shall be installed on the hot water distributing system a suitable relief valve. No valves shall be permitted on any flow pipes between the tank and the heater.

9-8-12 Pumps and Hydrants; Surface Water. All pumps and hydrants shall be protected from surface water and contamination. Yard hydrants to furnish water for human consumption are hereby prohibited.

9-8-13 Unauthorized Opening; Use. No persons, except such as are duly authorized by the Board of Water and Light Trustees shall, except for fire purposes or in case of fire, open any fire hydrant or take or use any water therefrom, or remove the cap or cover of any fire hydrant or any stopgate box; or shall, without authority from the water department, dig out, curb over, or remove any fireplug, hydrant, stop-cock, valve, valve box, or other fixture appertaining to the waterworks; or shall use or take water from any part of the water system, or turn the water on or off from or into any water pipe without authority from the Board of Water and Light Trustees.

9-8-14 Tapping Water Mains; Distributing Pipes. All tapping and inserting ferrules in the street mains or distributing pipes of the water system shall be done by employees of the Board of Water and Light Trustees, under the direction of the Board of Water and Light Trustees.

9-8-15 Breaking Seals. No person shall break any seal connected to any meter, valve, private fire hydrant, or other fixture that may have been sealed by employees of the Board of Water and Light Trustees, except that in case of fire the seals on private fire hydrants and private fire protection valves may be broken, but the breaking of such seals shall be reported to the general manager of utilities within twenty-four (24) hours

thereafter.

9-8-16 Throwing Substances Into Reservoirs; Water Mains. It shall be unlawful for any person to throw, place, or deposit any substance, or thing whatsoever, in any reservoir, water main, or pipe of the water system.

9-8-17 Outlets Kept Closed; Repair of Fixtures. All users of water supplied from the City mains shall keep the hydrants, taps, hose, water closets, urinals, baths, or other fixtures in good repair. Consumers of water shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use.

9-8-18 Compliance. Consumers of water shall, in all respects, conform to the rules and regulations of the water department.

9-8-19 Breaking, Defacing Hydrants. Any person who shall, in any way, intentionally or carelessly break, deface, or otherwise injure or destroy any hydrant or other property appertaining to the water works, or property of others used in connection with the water supply, shall be liable for all damage done and shall be deemed guilty of a misdemeanor.

9-8-20 Defacing Reservoirs; Tanks. It shall be unlawful for any person to deface any reservoir or tank.

9-8-21 Authorized Inspectors; Right of Entry. Such inspectors as may be authorized by the Board of Water and Light Trustees may enter, at all reasonable hours, into any premises supplied with water from the City mains, to examine the plumbing, meters, tanks, or other apparatus or for the purpose of placing or carrying away any meter, instrument, pipes, fitting, or other appliance belonging to the City water works.

9-8-22 Plumbers Permit. Plumbers and plumbing firms, desiring to work in connection with the water supply or the pipes, fixtures, and appliances appertaining thereto, shall first obtain a permit in the Office of the Board of Water and Light Trustees and shall subscribe to the rules and regulations of the Board of Water and Light Trustees.

All persons, except plumbers with a proper permit, are prohibited from making any extensions, additions to, or alterations of any pipes, fixtures, or appliances connected with service pipes attached to the City mains, or from, in any manner, intermeddling with the water system.

9-8-23

9-8-24

9-8-23 Backflow Prevention. Adequate backflow prevention devices or check valves are required for approval by the Board of Water and Light Trustees prior to the connecting of the water service to the water distribution system. If in the opinion of the City utility such devices would not be necessary, they may be waived.

9-8-24 Plastic Pipe. Plastic pipe is not permitted for connections, service, or other supply lines between the point of connection on the customer side of the water meter and the water main.

TITLE 9 HEALTH AND SANITATION REGULATIONS

CHAPTER 9

WEEDS

SECTIONS:

9-9-1	Purpose
9-9-2	Definitions
9-9-3	Noxious Weeds
9-9-4	Duties of Owners
9-9-5	Notice
9-9-6	Proof of Service
9-9-7	Work Done by City
9-9-8	Cost of Work Done by City

9-9-1 Purpose. The purpose of this Chapter is to establish the procedure to be followed for the removal of noxious weeds on property within the City.

9-9-2 Definitions. For purposes of this Chapter, the following terms are defined:

- (A) "Noxious weed" includes weeds such as jimson, burdock, ragweed, thistle, cocklebur, and any weeds, grass, or plants other than trees, bushes, flowers, or other ornamental plants, in excess of eight inches (8") in height.
- (B) "Owner" means a contract purchaser of real estate in the City, if there is one of record, otherwise a record holder of legal title as shown on the records of the Muscatine County Auditor.

9-9-3 Noxious Weeds. It shall be a misdemeanor for the owner of real estate located within the corporate limits of the City to permit the growth of noxious weeds on any real estate as set out in this Chapter.

9-9-4 Duties of Owners. It shall be the duty of the owner to cut or remove, and to keep cut or removed, all noxious weeds from his, her, or its property and from all adjacent property between the property line and the improved street and/or alley line(s).

9-9-5 Notice. If the owner fails to destroy, cut, trim or otherwise eradicate noxious weeds as provided in this chapter, the City shall give notice to the property owners by one publication in a newspaper of general circulation within the City, stating that all property owners are required to destroy, cut, trim, or otherwise eradicate all

noxious weeds on their property and the adjacent unimproved public right(s)-of-way within a reasonable time but not less than five days from the date of the said publication.

9-9-6 Proof of Service. In addition to the notice as set out in Section 9-9-5, the City shall mail a notice to the property owner believed to be violating the provisions of this section advising that all noxious weeds located on his, her, or its property and adjacent public right(s)-of-way shall be destroyed, cut, trimmed, or otherwise eradicated within five (5) days from the delivery of mail in the ordinary course of delivery. Said notice shall be sent by ordinary mail to the last known address of the owner or as shown on the current County Assessors records. It shall be presumed that five (5) days is sufficient time for the delivery of mail within ordinary course. A copy of the publication as required in Section 9-9-5, together with a copy of the notice sent by regular mail as herein set out shall be deemed proof of service.

9-9-7 Work Done by City. When any owner fails to destroy, cut, trim, or eradicate noxious weeds within the notice period(s) contained in this Chapter, the City shall cause the noxious weeds to be cut or removed by private contractor or with City employees and equipment at City expense.

9-9-8 Cost of Work Done by City. The City Clerk shall submit an itemized statement to the City Council for all work performed under this Chapter. The itemized statement shall include the cost of cutting and/or removing the noxious weeds to include labor, equipment costs, and reasonable administrative costs. Upon receipt of the itemized statement, the Council shall audit it, and if allowed, shall by resolution assess the cost as a special assessment against the property. The City Clerk shall certify the assessment to the County Treasurer, to be collected as any other special assessment.