

TITLE III - MENTAL AND PHYSICAL HEALTH
CHAPTER 1 - NUISANCES

ARTICLE 1
GENERAL PROVISIONS

3-1.0101 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. "Nuisance" shall mean whatever is injurious to health, indecent or offensive 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. The following are declared to be nuisances:

(Code of Iowa, 1975, Sec. 657.1)

A. Offensive Smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

(Code of Iowa, 1975, Sec. 657.2 [1])

B. Filth or Noisome Substance. The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

(Code of Iowa, 1975, Sec. 657.2 [2])

C. Impeding Passage of Navigable River. The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

(Code of Iowa, 1975, Sec. 657.2 [3])

D. Water Pollution. The corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

(Code of Iowa, 1975, Sec. 657.2 [4])

E. Blocking Public and Private Ways. The obstructing or encumbering by fences, buildings or otherwise the public

roads, private ways, streets, alleys, commons, landing places or burying grounds.

(Code of Iowa, 1975, Sec. 657.2 [5])

F. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.

(Code of Iowa, 1975, Sec. 657.2 [7])

G. Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

(Code of Iowa, 1975, Sec. 657.2 [8])

H. Abandoned Appliances. Placing or allowing to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box, oven or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling or within an unoccupied or abandoned building or dwelling, or other structure, under the control of any person without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator, oven, or similar container. This provision applies equally to the owner of any such refrigerator, ice box, oven or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, 1975, Sec. 732.21)

I. Storing of Inflammable Junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.

(Code of Iowa, 1975, Sec. 657.2 [10])

J. Air Pollution. The emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, 1975, Sec. 657.2 [11])

K. Weeds. Dense growth of all weeds, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.

(Code of Iowa, 1975, Sec. 657.2 [12])

L. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, 1975, Sec. 657.2 [13])

M. Airport Air Space. Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

(Code of Iowa, 1975, Sec. 657.2 [9])

3-1.0102 NUISANCES PROHIBITED.

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter.

ARTICLE 2 ABATEMENT PROCEDURE

3-1.0201 NUISANCE ABATEMENT.

Whenever the mayor or other authorized municipal officer finds that a nuisance exists, he shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0202 NOTICE TO ABATE:.

Contents. The notice to abate shall contain:

(Code of Iowa, 1975, Sec. 364.12 [3h])

1. Description of Nuisance. A description of what constitutes the nuisance or other condition.

2. Location of Nuisance. The location of the nuisance or condition.

3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition.

4. Reasonable Time. A reasonable time within which to complete the abatement.

5. Assessment at City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against such person.

3-1.0203 METHOD OF SERVICE.

The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0204 REQUEST FOR HEARING.

Any person ordered to abate a nuisance may have a hearing with the council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the council at a time and place fixed by the council. The findings of the council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

3-1.0205 ABATEMENT IN EMERGENCY.

If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The city shall assess the costs as provided in Section 3-1.0207 after notice to the property under the applicable provisions of Section 3-1.0201, .0202 and .0203 and hearing as provided in Section 3-1.0204.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0206 ABATEMENT BY CITY.

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be

filed with the clerk who shall pay such expenses on behalf of the city.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0207 COLLECTION OF COSTS.

The clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the clerk shall certify the costs to the county auditor and it shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, 1975, Sec. 364.12 [3h])

3-1.0208 INSTALLMENT PAYMENT OF COST OF ABATEMENT.

If the amount expended to abate the nuisance or condition exceeds \$100, the city shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefited property.

(Code of Iowa, 1975, Sec. 364.13)

3-1.0209 FAILURE TO ABATE.

Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate shall be in violation of the city code.

CHAPTER 2 - ANIMAL PROTECTION AND CONTROL

3-2.0101 DEFINITIONS.

1. "Dog": shall mean all members of the species canis familiaris.

A. A "dangerous dog": shall mean any dog that (i) while unmuzzled, unleashed, or without the supervision of a person whose verbal commands are obeyed, charges or chases in a terrorizing manner with an apparent attitude of attack, any person who is upon a street, alley, sidewalk or other public place, or (ii) has a known propensity, tendency or disposition to attack without provocation or to otherwise threaten the safety of persons or domestic animals.

B. A "vicious dog": shall mean any dog that (i) unprovoked, bites or attacks a person causing bodily injury; (ii) severely injures or kills another domestic animal; or (iii) has been found to be a dangerous dog on at least one (1) occasion.

C. No dog shall be declared dangerous or vicious if it bites, attacks or menaces a trespasser on the dog's owner's property, or a person who is contemporaneously tormenting, teasing or abusing the dog.

D. The declaration that a dog is dangerous or vicious shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 3-2.0255.

2. "Adequate food": shall mean the provisions, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.

3. "Adequate water": shall mean reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed twenty-four (24) hours at any one (1) interval.

4. "Animal": shall mean a living organism, other than human beings, birds, fish or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.

5. "Animal control officer": shall mean any humane officer employed by a humane society under contract with the city, any police officer under the jurisdiction of the chief of police, or any other person authorized by the city council to enforce the provisions of this chapter by means of appropriate police powers.

6. "Animal shelter": shall mean a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the city or oper-

ated under contract with the city for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.

7. "Boarding kennel": shall mean a place or establishment other than an animal shelter or pound where dogs, cats or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.

8. "Cat": shall mean all members of the feline species regardless of sex.

9. "Commercial breeder": shall mean a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed or boarded by the person. A person who owns or harbors three (3) or less breeding males or females is not a commercial breeder.

10. "Commercial kennel": shall mean a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

11. "Commission": shall mean the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.

12. "Euthanasia": shall mean the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness and death during the loss of consciousness.

13. "Fur-bearing animals": shall mean the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by the commission.

14. "Guard dog": shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.

15. "Housing facilities": shall mean any room, building or area used to contain a primary enclosure or enclosures.

16. "Owner": shall mean any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three (3) or more days.

17. "Person": shall mean an individual, partnership, corporation, or association and includes any officer, employee or agency thereof.

18. "Pet shop": shall mean an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged or offered for sale.

19. "Primary enclosure": shall mean any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.

20. "Take": shall mean any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any of the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or the ordinance codified in this chapter.

(Ord. 384 (part), 2003)

3-2.0102 LICENSE REQUIRED.

1. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within thirty (30) days of the date they are initially inoculated for rabies and annually within thirty (30) days' time of the date of the current rabies vac-

ination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.

2. Licenses shall be purchased at City Hall, Buffalo, Iowa, within thirty (30) days of the animal's most recent rabies vaccination date. A person must present evidence of a current rabies vaccination signed and administered by a licensed veterinarian which shows the date of the vaccination, type of vaccination and the date of the next, subsequent re-vaccination.

3. Licenses are not transferable between animal owners or animals.

4. Annual license fees shall be determined by a resolution approved by the city council for the following types of animals:

- A. Neutered/spayed dog or cat (altered);
- B. Non-altered dog or cat;
- C. Dog declared "dangerous";
- D. Dog declared "vicious".

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

5. Residents age sixty (60) or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of one dollar (\$1.00).

6. Altered dogs, duly and properly trained to aid or assist any person who is blind, deaf or physically handicapped, may be licensed for one dollar (\$1.00) annually when the dog is owned or maintained by a person actually training the dog to be used to aid or assist persons who are blind,

deaf or physically handicapped, or is owned by a blind, deaf or physically handicapped person. The burden of proving that a dog is being trained to assist a person who is blind, deaf or physically handicapped is on the person seeking to license the dog. The humane society may require documentation of the person's affiliation with an organization established for the purpose of training dogs to provide aid or assistance to blind, deaf or physically handicapped persons or whatever evidence the humane society deems satisfactory to establish the validity of such claim.

7. The owner of a dog that has been declared a dangerous dog may qualify to license said dog for the normal licensing fee upon proof that the owner and said dog have attended and successfully completed a dog obedience class or similar program approved by the humane society.

8. Upon proof of loss, a duplicate license tag may be obtained upon payment of a two dollar (\$2.00) replacement fee.

9. A person owning or possessing any dog or cat who moves into the city shall obtain a license for said animal within thirty (30) days of the date the person takes up residency in Buffalo.

10. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the city:

A. Animals whose owner or custodian is a non-resident of the city and who are visiting within the city temporarily. Temporarily means for a period of time thirty (30) days or less within any consecutive twelve (12) month period.

B. Animals brought into the city for participation in a show, exhibition, demonstration or exhibit and which remain in the city for a period of thirty (30) consecutive days or less.

11. The executive director of the Scott County Humane Society or police officer or an animal control officer may revoke a person's privilege to license and keep a dog or cat within the city. Such revocation may be for a period of not

more than one (1) year. Revocation of the privilege to license and keep a dog or cat within the city may be initiated if the owner or custodian of the dog or cat has committed six (6) violations of the provisions of this chapter, except that violations for failing to license a cat, non-dangerous dog or non-vicious dog shall not be included as violations leading to revocation within any consecutive twelve (12) month period. A violation shall be shown by a conviction upon a citation or a finding by the city council or by a non-appealed notice of violation.

12. An owner or custodian whose privilege has been revoked shall, within ten (10) days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to the humane society or permanently remove the animal from the (city/county) within five (5) calendar days after either the time for appeal has expired or the decision of the city clerk has been served on the owner or custodian. If the animal is found in the city after the five (5) day period, it shall be immediately impounded. Failure to remove a dog or surrender it to the humane society may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform the humane society in writing upon the animal's removal from the city/county, the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by the humane society as to the animal. The owner shall provide the humane society with a copy of the notification provided to the new owner as well as an acknowledgement by the new owner of the receipt thereof.

13. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the license fee shall be refunded.

14. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by the humane society absent clear and con-

vincing proof that the animal or animals belong to a person visiting the resident.

15. The humane society or animal control officer shall provide the owner or custodian of the animal or animals, as shown on the records at the humane society, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.

16. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one (1) year added to the original period of revocation for each violation of the revocation.

17. The notice of initial revocation, any notice of the extension of the revocation period, and any notice of confiscation of any animal may be appealed to the city clerk pursuant to the procedures set forth in Section 3-2.0255. Any notice sent pursuant to this section shall contain a brief explanation of the violation, the sanction imposed and appeal rights of the person accused. If the accused can demonstrate by clear and convincing evidence that they have played no role in the care, supervision, possession or control of the animal, the animal shall be returned.

18. When permanent ownership of an animal is transferred, the new owner shall, within fourteen (14) days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

(Ord. 384 (part), 2003)

3-2.0103 DISPLAY OF LICENSE.

The license tag obtained pursuant to Section 3-2.0102 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the city license to an animal control officer or police officer.

(Ord. 384 (part), 2003)

3-2.0104 RABIES VACCINATION AND REPORTING.

1. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age of six (6) months old. Rabies vaccinations shall be readministered at least once every three (3) years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.

2. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within thirty (30) days after the animal was acquired or within thirty (30) days of the animal attaining the age of six (6) months, if the animal was not yet six (6) months old when acquired.

3. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.

4. Whenever a veterinarian inoculates an animal for rabies, the veterinarian shall complete a rabies vaccination report which shall be forwarded to the city or its designee. The report shall contain the following information:

- A. The name, age and sex of the animal;
- B. A general description of the animal;
- C. The date the current vaccination was given to the animal;
- D. The revaccination date;
- E. The vaccination tag number assigned to the animal;
and
- F. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to the humane society within thirty (30) days of the administration of the vaccination.

(Ord. 384 (part), 2003)

3-2.0105 REPORT OF BITES REQUIRED.

1. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the city, shall immediately report such fact to the Buffalo Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.

2. Any animal that has been involved in biting a person or other animal must be quarantined for ten (10) days from the date of that bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.

3. The owner of an animal that has been reported as having inflicted a bite on a person or other animal shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.

4. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer.

(Ord. 384 (part), 2003)

3-2.0155 LIVESTOCK AND POULTRY PROHIBITED.

1. It shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian pot-bellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival or veterinary hospital treating such animals.

2. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right-of-way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.

3. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the city provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the city prior to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing in this section shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

(Ord. 384 (part), 2003)

3-2.0160 ANIMAL RUNNING AT LARGE.

1. It shall be unlawful for the owner or custodian of any dog, cat or other animal to fail to keep the same from running at large within the city. For the purpose of this chapter, an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:

A. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises

with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian or per-mitee.

B. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.

C. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.

D. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six (6) feet in length and under the control of a person competent to restrain and control the animal.

E. When the animal is properly housed in a veterinary hospital or registered kennel.

2. Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public right-of-ways shall be deemed running at large. The animal control officer or a Buffalo police officer shall remove all such animals at his or her discretion and take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

3. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in

this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six (6) feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.

4. Any dog, cat or other animal which is found in violation of this section is subject to immediate impoundment. Any such animal impounded may be redeemed by its owner or custodian within five (5) days from the time specified in Section 3-2.0240 and; upon payment of the applicable redemption fee; current rabies vaccination fee unless current rabies inoculation is proven; the current licensing fees and penalties if the animal is unlicensed; the impoundment fees; and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees are to be determined by the city council for the following types of violations:

A. First violation;

B. Second violation;

C. Third violation;

D. Fourth or subsequent violation will result in the issuance of a municipal infraction citation or notice of violation.

5. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 3-2.0240, the humane society may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 3-2.0209.

(Ord. 384 (part), 2003)

3-2.170 MISTREATMENT OF ANIMALS.

1. A person who does any of the following to an animal commits animal neglect:

A. Confines the animal without adequate food, water or shelter, or in a manner that creates an unreasonable threat to the animal's health or safety;

B. Fails to supply adequate food or water to an unconfined animal owned or cared for by the person;

C. Causes injury or death to an animal when disciplining it;

D. Causes unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.

2. The disposition of a neglected animal shall be governed by state law.

3. No person shall torment, tease or harass any tied, fenced or otherwise confined animal.

4. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the city for the purpose of poisoning any animal. This section shall not apply to a person who exposes poisons about a premises, in accordance with the labeling instructions on the poisonous product, for the purpose of exterminating insects, mice or rats. The use of any poison other than one specifically produced for exterminating insects, mice or rats shall be prima facie evidence of a violation of this section.

5. No person shall abandon any animal or cause such to be done, except that a person may deliver an animal to another person who accepts ownership of such animal or the person may deliver an animal to the humane society.

6. A violation of this section may be charged as a simple misdemeanor.

(Ord. 384 (part), 2003)

3-2.180 REMOVAL OF EXCREMENT.

1. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from

excrement. Such area shall also be clean and free of vermin and anything that is likely to become putrid, offensive or injurious to health. An area, structure, pen, coop or yard not maintained in a clean and sanitary condition may be declared a public nuisance.

2. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.

3. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

(Ord. 384 (part), 2003)

3-2.0190 NUMBER OF ANIMALS REGULATED.

1. It is unlawful for any person to keep or maintain at any one location within the city more than four (4) of the following types of animals, those being dogs, cats, ferrets, and pot-bellied pigs; and of those four (4), no more than three (3) shall be of the same species. This limitation applies to animals that are more than six (6) months old or animals that are from more than one (1) litter that are more than three (3) months old. This limitation shall not apply to any person provided that person (a) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law (162.10 Code of Iowa 1991), and is in compliance with the zoning ordinances of the city, or (b) if such animals are kept or maintained upon property which is zoned as agricultural property within the city, or (c) if said person has applied for and obtained a permit to keep more than four (4) animals from the humane society of Scott County. Upon receipt of an application for a permit as provided by this section and the payment of a ten dollar (\$10.00) fee, an animal control officer shall inspect the applicant's animal housing fa-

cilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.

2. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.

3. If a person is found to be keeping more than four (4) animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven (7) days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

(Ord. 384 (part), 2003)

3-2.0200 WILD, EXOTIC OR DANGEROUS ANIMALS
PROHIBITED.

1. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals:

A. All poisonous snakes and poisonous reptiles; all non-poisonous snakes greater than ten (10) feet in length; Gila monsters, alligators, crocodiles and caimans;

B. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and non-arboreal;

C. Any species of feline not falling within the categories of ordinary domesticated house cats as established by the American Cat Fancier Association;

D. Bears of any species;

E. Raccoons, porcupines, skunks, badgers and other similar fur-bearing animals except ferrets;

F. Foxes, wolves, coyotes or other species not falling within the category of canis familiaris;

E. Any animal of any species known to be vicious or dangerous, excluding canis familiaris.

2. Any wild, exotic or dangerous animal found within the city in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the city, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The city and its agents shall be under no duty or obligation to capture or otherwise confine the animal.

3. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animal's immediate seizure as contraband. Any animal so seized shall be held for three (3) business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on the humane society within that time period, the humane society may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, the animal control officer or humane society may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by the humane society or the city which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a non-exempt entity within the city limits. If a wild, exotic or dangerous animal is ever again found to be within the city in violation of this section, it shall be immediately confiscated and disposed of as the humane society deems appropriate.

4. The prohibition contained in Section 3-2.0200 of this chapter shall not apply to the keeping of poisonous snakes, poisonous reptiles, Gila monsters, crocodiles, alligators and caimans provided that the owner of such an animal is eighteen (18) years of age or older, and that person has either (a) received a bachelor of science degree based upon

courses if instruction which included courses in herpetology from an accredited college level institution, or (b) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (c) has completed a course of instruction of at least twenty (20) hours duration at an accredited educational institution on the care, handling, and keeping of reptiles, and (d) has applied for and received from the humane society a permit to keep such animals, such application to be on a form approved by the city council.

(Ord. 384 (part), 2003)

3-2.0210 VICIOUS DOGS.

1. No person shall keep or maintain any dog that has been declared a vicious dog unless such dog is kept in an enclosure or on a run-line located within a fenced area. The enclosure must be capable of containing the dog and must have a secure top, bottom and sides. Additionally, the enclosure must incorporate a system which prevents access by children. The enclosure must not be located nearer than ten (10) feet to adjoining property lines or public rights-of-way. The run-line shall consist of a chain or cable having a tensile strength of at least three hundred (300) pounds which does not allow the dog to get closer than ten (10) feet from adjoining property lines or public rights-of-way. In addition, if the dog is kept on a run-line within a fenced area, the dog shall be muzzled at all times.

2. If a vicious dog is not within an enclosure or on a run-line within a fenced area, the dog shall be either within the owner's residence or muzzled and restrained with a chain or cable leash having a minimum tensile strength of at least three hundred (300) pounds that is no more than four (4) feet in length. If the dog is on a leash, the leash must be controlled by an adult who can control the dog.

3. No person shall keep, use or maintain any dangerous or vicious dog on any premises unless the premises is posted to warn of the presence of dangerous or vicious dogs. Said warning shall consist of a sign placed at each entrance/exit for the premises in a position to be legible from the sidewalk or ground level adjacent to the sign. If the premises is not enclosed by a fence and the dog is kept within an enclo-

sure, a sign shall be posted on every side of the enclosure in a position to be legible from the sidewalk or ground level.

4. No person shall sell, exchange, transfer or give a vicious dog to another person.

5. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.

6. A vicious dog must be neutered or spayed.

7. A vicious dog that inflicts bodily injury on a person or other animal by biting after it has been declared vicious, or a vicious dog not kept or maintained in compliance with this section, constitutes a public hazard and shall be seized and destroyed.

8. This section shall not apply to police canines and guard dogs. Guard dogs must be registered with the humane society and licensed and are restricted to property zoned non-residential. The annual fee for registration of a guard dog shall be ten dollars (\$10.00). The registration form shall include the dog's location by address; the dog's gender and general description, the dog's current city license number, the dog's current rabies vaccination number, and the name of an emergency contact person who is available twenty-four (24) hours a day. Guard dogs shall be confined to a fenced-in area that is adequate to prevent the dog from escaping the fenced area. The fenced area shall be clearly posted with warning signs.

9. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense.

(Ord. 384 (part), 2003)

3-2.0220 DAMAGE TO PROPERTY.

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

(Ord. 384 (part), 2003)

3-2.0230 BARKING DOGS REGULATIONS.

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also declared a public nuisance. The animal control officer or a Buffalo police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

(Ord. 384 (part), 2003)

3-2.0240 IMPOUNDMENT.

1. The city may establish and maintain a municipal animal shelter or the city may contract with any non-profit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the city to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Buffalo Police Department.

2. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

3. Notice. Upon impounding a licensed animal the owner or custodian of the animal shall be given a written notice of the impoundment by the impoundment authority within two (2) days and the owner shall then have five (5) days to redeem

the animal not counting the day of impoundment. If an impounded animal is unlicensed or not displaying a license pursuant to Section 3-2.0103, the impoundment authority shall have no obligation to search for or provide notice to the owner or custodian.

4. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.

5. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the city or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.

6. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.

7. Neither the city nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

8. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 3-2.0160 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the pro-

visions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be determined by a city council resolution for the following types of animals:

A. For each dog, cat, ferret or similar animal, a daily fee for the animal's care, food, water and shelter;

B. For each domestic fowl, chicken, goose, duck or water fowl, a daily fee for the animal's care, food, water and shelter;

C. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals, a daily fee for the animal's care, food, water and shelter;

D. For any animal not specified in this section, a daily fee plus actual expenses incurred for the animal's care, food, water and shelter.

(Ord. 384 (part), 2003)

3-2.0250 ENFORCEMENT PROVISIONS.

1. Humane society employees, animal control officers and Buffalo police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Buffalo police officer may enforce a violation of a section as a simple misdemeanor.

2. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the city administrator in the enforcement of this chapter.

3. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable

law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

4. Immediate Inspection. Notwithstanding subsection 3 of this section, if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

(Ord. 384 (part), 2003)

3-2.0255 NOTICE OF VIOLATION; CONFISCATION;
REVOCATION.

1. An animal control officer or police officer may send a notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals, extension of the period of revocation, confiscation of an animal or a declaration that a dog is declared dangerous or vicious.

2. The notice of violation shall briefly state the type of notice it is, the facts prompting the notice, the administrative sanction imposed, the notice recipient's appeal rights and the date by which the recipient must request a hearing, not less than five (5) days after the date of the notice, or waive their right to a hearing.

3. The notice of violation shall be either hand-delivered by the animal control officer or police officer or be sent by certified mail.

4. The notice recipient may appeal a notice of violation by requesting a hearing in writing before the city clerk and paying an administrative fee of twenty dollars (\$20.00). If the recipient of the notice does not appeal, the notice of violation sanctions imposed are final. If an appeal is properly requested, then an informal appeal hearing shall be held before the mayor as soon as practicable. At the informal hearing, both the city and the notice recipient or the recipient's legal counsel may present evidence and cross-examine witnesses. The mayor may also ask questions of witnesses. The mayor shall render a written decision within thirty (30) days after the conclusion of the hearing.

(Ord. 384 (part), 2003)

3-2.0260 NUISANCES.

1. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the city in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is declared a public nuisance.

2. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the city will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least eighteen (18) years old, or by serving the owner or custodian by certified mail return receipt re-

requested. If service is by certified mail, services shall be deemed given when mailed.

3. Any person ordered to abate a nuisance may request a hearing on the order to abate by delivering a written request for a hearing to the animal control officer who ordered the abatement and paying an administrative fee of twenty dollars (\$20.00). Such a request must be delivered prior to the time specified in the notice to abate or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. Any hearing so requested shall be held within thirty (30) days of the date the written appeal is delivered to the animal control officer and shall be in front of the mayor. At the conclusion of the hearing, the mayor shall render a decision as to: a) whether a nuisance exists; b) if so, what steps the person must take to abate the same; and c) the time frame for the abatement.

4. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the city may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 3-2.0255. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three (3) days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of the humane society.

(Ord. 384 (part), 2003)

3-2.0270 PENALTIES.

1. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.

2. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.

3. If a notice of violation was issued to a person for a violation of any provision of this chapter pursuant to Section 3-2.0255, then a municipal infraction citation or simple misdemeanor citation shall not be issued to that person for the same incident.

4. The following types of scheduled fines are to be established by the city council for municipal infractions:

A. Section 3-2.0102 (licenses);

B. Section 3-2.0103 (display of tags); Section 3-2.0202 (rabies vaccination); Section 3-2.0160 (at large); and Section 3-2.0180 (animal waste): first offense; second offense; third offense; fourth or subsequent offense up to two hundred dollars (\$200.00);

C. Section 3-2.0210(1) or (2) (vicious dog): first offense; second offense; third or subsequent offense.

5. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed the general fine established by city council resolution for a first, second or subsequent offense.

(Ord. 384 (part), 2003)

CHAPTER 3 - LIQUID WASTES*

* Prior history: Iowa Departmental Rules, 1973; Code of Iowa, 1975.

ARTICLE 1 DEFINITIONS

3-3.0101 GENERALLY.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as set out in this article.

(Ord. 219A, Art. 1(part), 1983)

3-3.0102 BOD.

"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 twenty degrees Centigrade, expressed in milligrams per liter.

(Ord. 219A, Art. 1 Sec. 1, 1983)

3-3.0103 BUILDING DRAIN.

"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.

(Ord. 219A, Art. 1 Sec. 2, 1983)

3-3.0104 CITY.

"City" shall mean the city or town of Buffalo, Iowa.

(Ord. 219A, Art. 1 Sec. 23, 1983)

3-3.0105 GARBAGE.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(Ord. 219A, Art. 1 Sec. 5, 1983)

3-3.0106 INDUSTRIAL WASTES.

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(Ord. 219A, Art. 1 Sec. 6, 1983)

3-3.0107 NATURAL OUTLET.

"Natural outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or groundwater.

(Ord. 219A, Art. 1 Sec. 7, 1983)

3-3.0108 PERSON.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

(Ord. 219A, Art. 1 Sec. 8, 1983)

3-3.0109 PH.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(Ord. 219A, Art. 1 Sec. 9, 1983)

3-3.0110 PROPERLY SHREDDED GARBAGE.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have 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.

(Ord. 219A, Art. 1 Sec. 10, 1983)

3-3.0111 SEWAGE.

"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.

(Ord. 219A, Art. 1 Sec. 13, 1983)

3-3.0112 SEWAGE TREATMENT PLANT.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(Ord. 219A, Art. 1 Sec. 14, 1983)

3-3.0113 SEWAGE WORKS.

"Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(Ord. 219A, Art. 1 Sec. 15, 1983)

3-3.0114 SEWER.

"Sewer" shall mean a pipe or conduit for carrying sewage.

(Ord. 219A, Art. 1 Sec. 16, 1983)

3-3.0115 SEWER, BUILDING.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(Ord. 219A, Art. 1 Sec. 3, 1983)

3-3.0116 SEWER, COMBINED.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

(Ord. 219A, Art. 1 Sec. 4, 1983)

3-3.0117 SEWER, PUBLIC.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(Ord. 219A, Art. 1 Sec. 11, 1983)

3-3.0118 SEWER, SANITARY.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(Ord 219A, Art. 1 Sec. 12, 1983)

3-3.0119 SHALL, MAY.

"Shall" is mandatory; "may" is permissive.

(Ord 219A, Art. 1 Sec. 17, 1983)

3-3.0120 SLUG.

"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 or flows during normal operation.

(Ord. 219A, Art. 1 Sec. 18, 1983)

3-3.0121 STORM DRAIN.

"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.

(Ord 219A, Art. 1 Sec. 19, 1983)

3-3.0122 SUPERINTENDENT.

"Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the city of Buffalo, or his authorized deputy, agent, or representative.

(Ord 219A, Art. 1 Sec. 20, 1983)

3-3.0123 SUSPENDED SOLIDS.

"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.

(Ord 219A, Art. 1 Sec. 21, 1983)

3-3.0124 WATERCOURSE.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord 219A, Art. 1 Sec. 22, 1983)

ARTICLE 2

USE OF PUBLIC SEWERS REQUIRED

3-3.0201 OPEN DEPOSIT OF WASTE.

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.

(Ord. 219A, Art. 2 Sec. 1, 1983)

3-3.0202 DISCHARGE OF UNTREATED WASTE.

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 chapter.

(Ord. 219A, Art. 2 Sec. 2, 1983)

3-3.0203 CONSTRUCTION OF PRIVY.

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.

(Ord. 219A, Art. 2 Sec. 3, 1983)

3-3.0204 INSTALLATION OF FACILITIES.

The owner of all houses, buildings, or properties 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 his 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 chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') (30.5 meters) of the property line. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

(Ord. 219A, Art. 2 Sec. 4, 1983)

3-3.0205 SEWER MAIN TAPPING FEE.

The city will charge a one (1) time new construction fee of two hundred dollars (\$200.00) to tap into the main sewer line for each new lateral. The owner shall remain responsible for running the sewer line to the main line, and the city will tap into the main line.

(Ord. 293, 1992)

ARTICLE 3
PRIVATE SEWAGE DISPOSAL*

* Prior history: Code of Iowa, 1975.

3-3.0301 CONNECTION TO PRIVATE SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of Section 3-3.0204, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(Ord. 219A, Art. 3 Sec. 1, 1983)

3-3.0302 PERMIT REQUIRED FOR CONSTRUCTION.

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 fifty dollars (\$50.00) shall be paid to the city at the time the application is filed.

(Ord. 219A, Art. 3 Sec. 2, 1983)

3-3.0303 INSPECTION BY SUPERINTENDENT.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He 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 seventy-two (72) hours of the receipt of notice by the superintendent.

(Ord. 219A, Art. 3 Sec. 3, 1983)

3-3.0304 COMPLIANCE WITH STATE RECOMMENDATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the state of Iowa. 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 fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 219A, Art. 3 Sec. 4, 1983)

3-3.0305 CONNECTION TO PUBLIC SEWER WHEN AVAILABLE.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3-3.304, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. 219A, Art. 3 Sec. 5, 1983)

3-3.0306 OPERATION AND MAINTENANCE.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. 219A, Art. 3 Sec. 6, 1983)

3-3.0307 EFFECT OF ADDITIONAL REQUIREMENTS BY HEALTH OFFICER.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Ord. 219A, Art. 3 Sec. 7, 1983)

3-3.0308 RETIREMENT OF PRIVATE SYSTEM.

When a public sewer becomes available, the building sewer shall be connected 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.

(Ord. 219A, Art. 3 Sec. 8, 1983)

ARTICLE 4
BUILDING SEWERS AND CONNECTIONS

3-3.0401 PERMIT--REQUIRED.

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.

(Ord. 219A, Art. 4 Sec. 1, 1983)

3-3.0402 PERMIT--APPLICATION--FEE.

There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his 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 thirty dollars (\$30.00) for a residential or commercial building sewer permit and seventy-five dollars (\$75.00) for an industrial sewer permit shall be paid to the city at the time the application is filed.

(Ord. 219A, Art. 4 Sec. 2, 1983)

3-3.0403 COSTS TO BE BORNE BY OWNER.

All costs and expenses 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.

(Ord. 219A, Art. 4 Sec. 3, 1983)

3-3.0404 SEPARATE BUILDING SEWERS.

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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 219A, Art. 4 Sec. 4, 1983)

3-3.0405 USE OF OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

(Ord. 219A, Art. 4 Sec. 5, 1983)

3-3.0406 CONFORMITY TO BUILDING CODES.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 219A, Art. 4 Sec. 6, 1983)

3-3.0407 ELEVATION OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

(Ord. 219A, Art. 4 Sec. 7, 1983)

3-3.0408 CONNECTION OF SURFACE RUNOFF SOURCES.

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.

(Ord. 219A, Art. 4 Sec. 8, 1983)

3-3.0409 CONNECTION CONFORMITY--APPROVAL OF DEVIATIONS.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. 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.

(Ord. 219A, Art. 4 Sec. 9, 1983)

3-3.0410 INSPECTION BY SUPERINTENDENT.

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 his representative.

(Ord. 219A, Art. 4 Sec. 10, 1983)

3-3.0411 EXCAVATIONS - WARNING MARKERS - RESTORATION.

All excavations for building sewer installations shall be adequately guarded with barriers and lights so as to protect the public from hazard. The applicant for the building sewer permit shall provide a deposit in the amount of five hundred dollars (\$500.00) to be held by the city. All the streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city within thirty (30) days from the completion of the sewer installation. The determination as to the restoration of the streets, sidewalks, parkways and other public property as to whether it is restored in a manner satisfactory to the city shall be determined by the public works director. Upon determination by the public works director

that the public property disturbed has been restored in a manner satisfactory to the city, the public works director shall refund the deposit in the amount of five hundred dollars (\$500.00). If the public property is not restored in a manner satisfactory to the city within thirty (30) days of the completion of the excavation, the public works director may restore the public property in a manner satisfactory to the city and apply the cost of the restoration against the deposit.

(Ord. 369 (part), 2000: Ord. 219A, Art. 4 Sec. 11, 1983)

ARTICLE 5
USE OF PUBLIC SEWERS

3-3.0501 PROHIBITED DISCHARGES - STORMWATER AND
RUNOFF.

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.

(Ord. 219A, Art. 5 Sec. 1, 1983)

3-3.0502 DISCHARGE TO STORM SEWERS AND COMBINED
SEWERS.

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.

(Ord. 219A, Art. 5 Sec. 2, 1983)

3-3.0503 PROHIBITED DISCHARGES-DESIGNATED.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

2. 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;

3. 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;

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in 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, tar, feathers, 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;

5. Any waters or wastes having (1) a five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) having an average daily flow greater than two 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 his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (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.

(Ord. 219A, Art. 5 Sec. 3, 1983)

3-3.0504 ADDITIONAL PROHIBITED DISCHARGES.

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 his 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:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius);

2. Any water or waste 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 and one hundred fifty degrees Fahrenheit (zero and sixty-five degrees Celsius);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent;

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

5. 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 sew-

age at the sewage treatment works exceeds the limits established by the superintendent for such materials;

6. Any waters or wastes containing phenols or other taste-producing 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 the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

7. 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;

8. Any waters or wastes having a pH in excess of 9.5;

9. Materials which exert or cause:

A. 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),

B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

D. Unusual volume of flow or concentration of wastes constituting slugs as defined in Section 3-3.0120;

10. 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.

(Ord. 219A, Art. 5 Sec. 4, 1983)

3-3.0505 REGULATION OF DISCHARGES.

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 Section 3-3.0504 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:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-3.0510.

If the superintendent permits the pretreatment 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.

(Ord. 219A, Art. 5 Sec. 5, 1983)

3-3.0506 GREASE, OIL AND SAND INTERCEPTORS.

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.

(Ord. 219A, Art. 5 Sec. 6, 1983)

3-3.0507 MAINTENANCE OF PRETREATMENT FACILITIES.

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 his expense.

(Ord. 219A, Art. 5 Sec. 7, 1983)

3-3.0508 CONTROL MANHOLE.

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 his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 219A, Art. 5 Sec. 8, 1983)

3-3.0509 ANALYSIS OF WASTEWATERS.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, a BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(Ord. 219A, Art. 5 Sec. 9, 1983)

3-3.0510 SPECIAL AGREEMENT.

No statement contained in this article shall be construed as preventing any special agreement or arrangement be-

tween 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 therefor, by the industrial concern.

(Ord. 219A, Art. 5 Sec. 10, 1983)

ARTICLE 6
PROTECTION FROM DAMAGE

3-3.0601 DAMAGE TO SEWER WORKS PROHIBITED.

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.

(Ord. 219A, Art. 6 Sec. 1, 1983)

ARTICLE 7
POWERS AND AUTHORITY OF INSPECTORS

3-3.0701 LIMITATIONS OF AUTHORITY.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The superintendent or his 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.

(Ord. 219A, Art. 7 Sec. 1, 1983)

3-3.0702 COMPANY HELD HARMLESS.

While performing the necessary work on private properties referred to in Section 3-3.0701 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 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 Section 3-3.0508.

(Ord. 219A, Art. 7 Sec. 2, 1983)

3-3.0703 RIGHT TO ENTER FOR INSPECTION.

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.

(Ord. 219A, Art. 7 Sec. 3, 1983)

ARTICLE 8
PENALTIES

3-3.0801 NOTICE OF VIOLATION.

Any person found to be violating any provision of this chapter except Article 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.

(Ord. 219A, Art. 8 Sec. 1, 1983)

3-3.0802 VIOLATION - PENALTY.

Any person who shall continue any violation beyond the time limit provided for in Section 3-3.0801 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 219A, Art. 8 Sec. 2, 1983)

3-3.0803 LIABILITY TO CITY.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 219A, Art. 8 Sec. 3, 1983)

ARTICLE 9

SEWER SERVICE RATES AND CHARGES

3-3.0901 SEWER SERVICES DESIGNATED.

There shall be and there are hereby established sewer service charges for the use of and for the service supplied by the municipal sanitary sewer utility based upon the amount and rate of water consumed as follows:

AMOUNT	SEWER SERVICE CHARGE
Beginning July 1, 2001:	
First 4,000 gallons or lesser amount per month	\$14.40 per month (minimum monthly bill)
Usage in excess of 4,000 gallons per month	\$2.50 per 1,000 gallons
Beginning July 1, 2002:	
First 4,000 gallons or lesser amount per month	\$14.90 per month (minimum monthly bill)
Usage in excess of 4,000 gallons per month	\$2.65 per 1,000 gallons
Beginning July 1, 2003:	
First 4,000 gallons or lesser amount per month	\$15.50 per month (minimum monthly bill)
Usage in excess of 4,000 gallons per month	\$2.90 per 1,000 gallons
Beginning July 1, 2004:	
First 4,000 gallons or lesser amount per month	\$16.00 per month (minimum monthly bill)
Usage in excess of 4,000 gallons per month	\$3.05 per 1,000 gallons
Beginning July 1, 2005:	
First 4,000 gallons or lesser amount per month	\$16.50 per month (minimum monthly bill)
Usage in excess of 4,000 gallons per month	\$3.20 per 1,000 gallons

Customers of the sanitary sewer facility who are not also customers of the municipal water system shall pay a

minimum charge of twenty dollars and fifty cents (\$20.50) per month.

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

In the case of non-metered services minimum service charge should not be less than twenty dollars and fifty cents (\$20.50) per month.

Minimum fees will not be charged if the sewer service is stubbed at the main or if the home has been removed and the sewer lateral is stubbed.

(Ord. 412, 2006: Ord. 372 § 1 (part), 2001: Ord. 233, Sec. 1, 1985: Ord. 219, Sec. 1, 1983)

3-3.0902 BILLING SCHEDULE.

Bills for the rates and charges as herein established shall be sent monthly. All bills shall be payable on the first day of the month following the period of service and shall be paid at the office of the utility. If any charge for the services of the system shall not be paid by the day of the month in which it shall become due and payable, a charge of three percent (3%) of the amount of the bill shall be added thereto and collected therewith. If any bills remain unpaid thirty (30) days following the due date, the water supply for the lot, parcel of land or premises affected may, after a notice and hearing, be cut off and may not be restored except upon satisfactory payment of the delinquent charges.

(Ord. 233, Sec. 2, 1985: Ord. 219, Sec. 2, 1983; Ord. 417, 2007)

3-3.0903 SERVICE CHARGES - NON-MUNICIPAL WATER SYSTEM - DUE DATE.

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

(Ord. 233, Sec. 3, 1985: Ord. 219, Sec. 3, 1983)

3-3.0904 APPLICATION - FILING - FEE.

Applications for sewer service shall be filed with the utility upon a form to be supplied by the city. 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 two hundred dollars (\$200.00), payable to the city, for the connection charge.

(Ord. 233, Sec. 4, 1985: Ord. 219, Sec. 4, 1983)

3-3.0905 OWNER LIABILITY - DEPOSIT.

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 forty-five dollars (\$45.00) shall be required from all tenants. The deposit shall be applied to any bill for sewer service delinquent more than thirty (30) days. Upon disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

(Ord. 233, Sec. 5, 1985: Ord. 219, Sec. 5, 1983)

3-3.0906 DUTY TO RENDER BILLS - NOTIFICATION TO USER.

1. It is hereby made the duty of the city official designated by the council to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

2. The city will notify each user at least annually in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to operation and maintenance and replacement of the treatment works.

(Ord. 233, Sec. 6, 1985: Ord. 219, Sec. 6, 1983)

3-3.0907 CHARGES CONSTITUTE LIEN.

All sewer charges levied pursuant to this article constitute a lien upon the premises served and if not paid within sixty (60) days after due date, the charges shall be certified to the county auditor and shall be collectible in the same manner as taxes.

(Ord. 233, Sec. 7, 1985: Ord. 219, Sec. 7, 1983)

3-3.0908 SEWER REVENUE FUND.

All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the city separate and apart from all other funds of the city and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the city, shall be deposited in a separate fund designated the sewer revenue fund, and the council shall administer said fund in the manner provided by the Code of Iowa and all other laws pertaining thereto.

(Ord. 233, Sec. 8, 1985: Ord. 219, Sec. 8, 1983)

3-3.0909 RECORDKEEPING - AUDIT - BUDGET.

The city 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 or the state of Iowa of the books to show the receipts and disbursements of the sewer system. The city shall be required annually to prepare a budget of the sanitary sewer system to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and establish required reserves.

(Ord. 233, Sec. 9, 1985: Ord. 219, Sec. 9, 1983)

CHAPTER 4 - SOLID WASTE CONTROL

ARTICLE 1
GENERAL PROVISIONS

3-4.0101 PURPOSE.

The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby, to protect the citizens of this city from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes.

3-4.0102 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Solid waste": shall mean garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one (1) of section three hundred twenty-one point one (321.1) of the Code.

2. "Garbage": shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by products, and shall include all such substances from all public and private establishments and from all residences.

(I.D.R., 1973, page 295, Sec. 25.1 [5])

3. "Refuse": shall mean putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.

(I.D.R., 1973, page 295, Sec. 25.1 [15])

4. "Rubbish": shall mean all waste materials of nonputrescible to nature.

(I.D.R., 1973, page 269, Sec. 1.2 [46])

5. "Open burning": shall mean any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

(I.D.R., 1973, page 295, Sec. 25.1 [10])

6. "Landscape waste": shall mean trees, tree trimmings, branches, stumps, brush, leaves and shrubbery.

(Ord. 391, 2004; I.D.R.,
1973, page 269, Sec. 1.2 [30])

7. "Back yard burning": shall mean the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(I.D.R., 1973, page 268, Sec. 1.2 [10])

8. "Residential waste": shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.

(I.D.R., 1973, page 269, Sec. 1.2 [44])

9. "Discard": shall mean to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, 1975, Sec. 455B.83 [2])

10. "Litter": shall mean any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, 1975, Sec. 455B.95 [1])

11. "Open dumping": shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water.

(I.D.R., 1973, page 295, Sec. 25.1 [11])

12. "Rubble": shall mean stone, brick or similar inorganic material.

(I.D.R., 1973, page 295, Sec. 25.1 [18])

13. "Sanitary disposal project": shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

(Code of Iowa, 1975, Sec. 455B.75 [3])

14. "Toxic and hazardous wastes": shall mean waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(I.D.R., 1973, page 296, Sec. 25.1 [29])

15. "Owner": shall mean in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

16. "Yard wastes": shall mean leaves, tree or bush trimmings. There shall be no burning of grass and grass clippings is prohibited.

(Ord. 391, 2004)

17. "Sanitary disposal": shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(I.D.R., 1973, page 295, Sec. 25.1 [20])

18. "Executive director": shall mean the executive director of the state department of environmental quality or his designee.

(Code of Iowa, 1975, Sec. 455B.1 [2])

19. "Hazardous substance": means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids, alkalis, explosives, fertilizers, heavy metals such as chromium, arsenic, mercury, lead and cadmium, industrial chemicals, paint thinners, paints, pesticides, petroleum products, poisons, radioactive materials, sludges, and organic solvents. "Hazardous substances" may include any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act (49 CFR 172.101).

(Ord. 272, 1990)

3-4.0103 HEALTH HAZARD.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

3-4.0104 FIRE HAZARD.

It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

3-4.0105 BURNING PROHIBITED.

No person shall allow, cause or permit the burning of combustible materials, except that the following shall be permitted:

(I.D.R., 1973, page 272, Sec. 4.2 [1])

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(I.D.R., 1973, page 273, Sec. 4.2 [3a])

2. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the state department of environmental quality.

(I.D.R., 1973, page 273, Sec. 4.2 [3c])

3. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the state department of environmental quality.

(I.D.R., 1973, page 273, Sec. 4.2 [3e])

4. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the executive director of the state department of environmental quality receives notice in writing at least one week before such action commences.

(I.D.R., 1973, page 273, Sec. 4.2 [3g])

5. Licensed Incinerator. Burning of combustible material in an incinerator operated under a state permit and a license granted by the county board of health or any incinerator operated by or for the city.

6. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one quarter mile from any building inhabited by other than the land owner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste. No "burn barrels" are allowed in the city for any type of burning in them, as it is too difficult to know what is being burned in them. All "burn barrels" or any type of burn container must be removed.

(Ord. 364, 1999)

7. Variance. Any person wishing to conduct open burning of materials not exempted herein may make application for a variance to the executive director of the state department of environmental quality.

3-4.0106 LITTERING PROHIBITED.

No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, 1975, Sec. 455B.97)

3-4.0107 OPEN DUMPING PROHIBITED.

No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the executive director of the state department of environmental quality.

(I.D.R., 1973, page 296, Sec. 26.4 [1])

3-4.0108 TOXIC AND HAZARDOUS WASTES.

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

(I.D.R., 1973, page 296, Sec. 26.5 [1])

2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety.

(I.D.R., 1973, page 296, Sec. 26.5 [2d])

3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the health officer or his authorized representative.

3-4.0109 WASTE STORAGE CONTAINERS.

Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

(I.D.R., 1973, page 296, Sec. 26.5 [1])

1. Container Specification.

A. Residential. Residential waste containers shall be of not less than 20 gallons nor more than 35 gallons in nominal capacity shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding 65 pounds Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable contain-

ers with suitable frames or containers as approved by the city may also be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the city.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

3. Non-conforming Containers. Solid waste containers which are not approved will be collected together with their contents and disposed of after due notice to the owner.

3-4.0110 YARD WASTE STORAGE.

Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. Tree Limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when placed in storage containers. The weight of any individual bundle or container shall not exceed 65 pounds.

3-4.0111 SANITARY DISPOSAL REQUIRED.

It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. If such accumulation becomes a nuisance the city may proceed to abate the nuisances in accordance with the provisions of Article 2, Chapter 1, Title 3.

3-4.0112 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

1. Unlawful use of Containers. Deposit refuse in any solid waste containers other than his own without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the city, or those of any other authorized waste collection service.

3. Unlawful Disposal. Dispose of refuse at any facility or location which is not on approved sanitary disposal project.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the city without a valid permit therefore.

5. Sell or Use Incinerator. Sell or install any device intended for use as a garbage or refuse burner or incinerator, except when the intended user of such device has received a permit from the state and a license to operate such a device from the county board of health; or when the device will be operated for or by the city.

ARTICLE 2 COLLECTION AND TRANSPORTATION

3-4.0201 DEFINITIONS.

For use in this article the following terms are defined:

1. "Residential premises": shall mean a single family dwelling and any multiple family dwelling up to and including four (4) separate quarters. Garden type apartments and row type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

2. "Collectors": shall mean any person authorized by this article to gather solid waste from public and private places.

3. "Dwelling unit": shall mean any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. "Single family dwelling": shall mean a structure containing one dwelling unit only.

5. "Multiple family dwelling": shall mean a structure containing more than one dwelling unit.

6. "Property served": shall mean any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided herein.

3-4.0202 COLLECTION SERVICE.

The city shall provide for the collection of refuse from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of refuse produced upon such premises.

3-4.0203 COLLECTION VEHICLES.

Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(I.D.R., 1973, page 296, Sec. 26.5 [2b])

3-4.0204 LOADING.

Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned. Any violation of the loading and moving, spillage retrieval and/or cleaning requirements imposed by this section shall be unlawful, and the penalty for any violation of each separate requirement shall be a scheduled fine of twenty-five dollars (\$25.00).

(Ord. 275, Sec. 1, 1991:
I.D.R., 1973, page 296,
Sec. 26.5 [2c])

3-4.0205 FREQUENCY OF COLLECTION.

All refuse shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

3-4.0206 LOCATION OF CONTAINERS.

Containers for the storage of wastes awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other wastes placed at the curb line shall not be so placed in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

3-4.0207 BULKY RUBBISH.

Bulky rubbish which is too large or heavy to be collected in the normal manner of other refuse may be collected at the discretion of the collector upon request.

3-4.0208 TREE LIMBS AND BRUSH.

Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, securely tied in bundles not more than 48 inches long or 18 inches in diameter when not in approved containers and weigh no more than 65 pounds.

3-4.0209 YARD WASTES.

Effective January 1, 1991, no yard waste will be picked up with the regular garbage pickup. This will be turned away from the landfill if found to be mixed in with the garbage in a garbage packer. Yard waste consists of such things as grass clippings, leaves, branches of trees or any type of flower, bush, shrub, etc., limbs, garden stems or vines. These must be disposed of separately at the landfill to be added to a compost pile. The limbs and branches will be run through a "chipper" machine to make them small enough to be added to the pile. The compost pile is in a separate area at the landfill. The fee for taking yard waste to the landfill will be one dollar (\$1.00) per cubic yard for loose grass clippings, leaves, etc. The fee for taking brush will be three dollars

(\$3.00) per cubic yard, as it must be run through the "chipper." If any yard waste is mixed in with a bag of garbage or garbage can, it will be left by the garbage hauler and not taken with the garbage. It will be the responsibility of the owner to dispose of the yard waste properly. The owners may take their own yard waste to the landfill and use regular plastic bags and pay the fee there, or purchase special paper bags from the City Hall to put their leaves and/or grass clippings in and the garbage hauler will pick these up on a special truck separate from the garbage pickup. The fee for these bags will be priced at one dollar (\$1.00) per bag, to be changed as the fees are increased at the landfill.

(Ord. 271-A, 1990)

3-4.0210 RIGHT OF ENTRY.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting refuse therefrom as required by this article, however solid waste collectors shall not enter dwelling units or other residential buildings.

3-4.0211 COLLECTOR'S LICENSE.

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his own within the city without first obtaining from the city an annual license for each vehicle or container to be used in accordance with the following:

1. Application. Application for a waste collector's license shall be made to the clerk and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collectors license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the city evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily injury	\$250,000 per person \$500,000 per occurrence
Property damage	\$100,000 per occurrence
Maximum deductible	\$500 per occurrence

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the city of the expiration, cancellation or other termination of coverage not less than 10 days prior to the effective date of such action.

3. License Fee. A license fee in the amount of \$25.00 for each vehicle or transport container to be used in the city shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded by the clerk to the applicant.

4. License Issued. If the clerk upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of refuse without hazard to the public health or damage to the environment and in conformity with law and ordinance he shall issue the requested license to be effective for a period of one year from the date approved.

5. License Denied-Appeal. If the clerk refuses to issue a requested license he shall notify the applicant in writing of the reasons for such refusal and of his right of appeal to the council. The council shall consider any appeals at its next regular meeting and may affirm, reverse or modify the determination of the clerk.

6. License Number Displayed. All vehicles, mobile equipment or facilities operated by virtue of a license granted hereunder shall have prominently displayed thereon in a clearly visible manner the license number under which operated.

7. License Renewal. An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the clerk with a current listing of vehicles, equipment and facilities in use.

8. License Not Transferable. No license authorized by this article may be transferred to another person.

9. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting refuse accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.

10. Grading and Excavation Materials. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

3-4.0212 COLLECTION FEES.

The collection and disposal of refuse as provided by this article is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 N.W. 2nd, 449)

1. Schedule of Fees. The fee and method of payment for refuse collection and disposal service used, or available shall be as established by the clerk and approved by resolution of the council.

ARTICLE 3
SOLID WASTE DISPOSAL

3-4.0301 DEFINITIONS.

For use in this article the following terms are defined:

1. "Processing facility": shall mean any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.

2. "Site": shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

3. "Scavenging": shall mean the collecting, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.

4. "Operator": shall mean the person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.

5. "Resident": shall mean in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.

3-4.0302 SANITARY DISPOSAL REQUIRED.

Solid wastes generated or produced within the city shall be disposed of at a sanitary disposal or processing facility approved by the city and by the Executive Director of the Iowa State Department of Environmental Quality.

(Code of Iowa, 1975, Sec. 455B.82)

3-4.0303 OPEN DUMPING PROHIBITED.

No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him unless such place has been designated by the city as a licensed sanitary landfill, public sanitary landfill or an approved processing facility.

(Code of Iowa, 1975, Sec. 455B.82)

3-4.0304 EXCEPTIONS.

Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

3-4.0305 TOXIC AND HAZARDOUS WASTES.

Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the Executive Director of the Iowa State Department of Environmental Quality.

(I.D.R., 1973, page 296, Sec. 26.4 [3])

3-4.0306 RADIOACTIVE MATERIALS.

Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

(I.D.R., 1973, page 296, Sec. 26.4 [4])

3-4.0307 PUBLIC SANITARY LANDFILL DESIGNATED.

The sanitary landfill facilities operated by the Scott Area solid waste management commission are hereby designated as the official public sanitary landfill for the disposal of solid waste produced or originating within the city.

(Ord. 331 (part), 1996)

3-4.0308 PRIVATE SANITARY LANDFILL.

Any person may establish and operate a private sanitary landfill within the city for the disposal of his own solid waste provided he shall first have applied for and received a license from the city designating his site as a licensed private sanitary landfill in accordance with the following:

1. Application. Application for a license to operate a private sanitary landfill shall be made in writing to the clerk and include the following information:

A. Name and Address. The full name and address of the owner and operator.

B. Location. The specific location of the site.

C. Nuisances. An agreement of the applicant to maintain sanitary manner so as to prohibit the creation or maintenance of a nuisance.

D. Rules and Regulations. Agreement to operate the landfill in accordance with all local, county, state or federal regulations now or hereafter adopted.

E. Attendant. Agreement to provide a responsible person who will be in constant attendance during all hours of active operation of the landfill.

F. Other Licenses or Permits. Attached to the application shall be a copy of any required federal, state, other local licenses or permits required for such operation.

G. Right of Entry. Agreement to permit access to the landfill site by any officer or governmental representative or agency who may have jurisdiction for the purpose of inspection.

2. Fee. An annual fee in the amount of \$300.00 for each location shall be paid to the clerk upon filing of an application. In the event the requested license is denied the clerk shall refund the fee deposited.

3. License Issued. The council shall review the application and if it is determined that the facts stated therein are true and that the proposed operation complies with all other applicable laws, ordinances and rules the clerk shall issue the requested license which shall be effective for a period of one year.

4. Renewal. A license may be renewed for additional one year periods upon payment of the required fee if operated substantially in the same manner as provided in the original application and in compliance with law or ordinance.

5. Use Restricted. A licensed private sanitary landfill site shall be used for the exclusive purpose of disposing of the site operator's own waste and shall not be open to any segment of the general public nor to any other private source of waste.

6. Abatement of Violations. If any private sanitary landfill is found to be operated in a manner detrimental to the health or welfare of the public or in violation of any of the provisions of this article such violation may be abated in the manner as provided for the abatement of nuisances.

3-4.0309 LANDFILL OPERATION.

All public or private sanitary landfills within the jurisdiction of the city shall be operated in a sanitary, safe and nuisance free manner and in compliance with all local, county, state and federal laws and regulations including, but not limited to, the following:

1. Open Burning Restricted. Open burning shall be prohibited except when permitted by the rules of the Iowa Air Quality Commission. Any burning to be conducted by a sanitary disposal project shall be at a location separate and distinct from the sanitary landfill.

(I.D.R., 1973, page 298, Sec. 27.1 [4i1])

2. Scavenging Prohibited. Scavenging shall be prohibited. Any salvaging to be permitted at the landfill site must first be approved by state and local officials.

(I.D.R., 1973, page 298, Sec. 27.1 [4i14])

3. Attendant on Duty. An attendant shall be on duty at the landfill site at all times while it is open for public use.

(I.D.R., 1973, page 298, Sec. 27.1 [4i15])

4. Fence Required. The landfill site shall be fenced to control access and a gate shall be provided at the entrance and kept locked when an attendant is not on duty.

(I.D.R., 1973, page 298, Sec. 27.1 [4i16])

5. Rules Posted. A permanent sign shall be posted at the site entrance identifying the hours and days the landfill is open, specifying the penalty for unauthorized dumping, identifying the location, if any, which has been designated for disposal of toxic and hazardous wastes and providing other pertinent information.

(I.D.R., 1973, page 298, Sec. 27.1 [4i17])

6. Materials Excluded. At the discretion of the operator certain materials may be excluded from those solid wastes which may be deposited at any sanitary landfill. These excluded materials may include:

A. Junk automobiles and similar bulky objects which may require special processing prior to disposal.

B. Trees and tree limbs, unless they have been cut into pieces not exceeding ten (10) feet in length.

C. Burning materials or materials containing hot or live coals.

ARTICLE 4

SCOTT AREA SOLID WASTE MANAGEMENT COMMISSION

3-4.0401 AGREEMENT ADOPTED.

The city does hereby adopt, approve and adopt verbatim an ordinance entitled "Scott Area solid waste management Commission" and does hereby authorize the mayor and the city clerk to execute the original thereof on behalf of the city, and which ordinance reads as follows:

Section 1. The following terms as used in this Agreement shall, unless the context otherwise requires, having the following meanings:

A. "Commission" is the Scott Area solid waste management Commission.

B. "Committee" is the Technical Advisory Committee.

C. "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Political Subdivision, or any other legal entity, or their legal representative, agent or assigns.

D. "Political Subdivision" is any city, village, incorporated town, or county.

E. "Qualified Political Subdivision" is any Political Subdivision within Scott County.

(Ord. 331 (part), 1996)

Section 2. Only qualified political subdivisions are eligible to be parties to this Agreement. There is created hereby a regulatory Commission to be known as the Scott Area solid waste management Commission. The Commission shall consist of one representative with alternate from each of the Qualified Political Subdivisions which is a party to this Agreement, such representative with named alternate to be appointed by the Qualified Political Subdivision which he represents for a term of two years. Such appointments shall be made within thirty (30) days after this Agreement becomes effective, or if it is in effect, then within thirty (30) days after such Qualified Political Subdivision becomes a party to it. The terms of all representatives shall continue until their respective successors have been duly appointed and qualified. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. A Qualified Political Subdivision may remove its representative and must do so on its rescission of the Agreement. The members of the Commission shall receive no compensation for their services but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

Voting rights of Qualified Political Subdivisions through their representative (or his alternate) on the Board shall be constituted and limited as follows:

A. A small town mayor serves for all cities and villages. He is elected the first part of each year by the other small town mayors.

B. The Commission shall hold at least six (6) regular meetings each calendar year at a place and time to be fixed by the Commission. The commission shall select at its first meeting one of its voting members to serve as chairman and another of its voting members to serve as vice-chairman and a third to serve as secretary-treasurer. At the first regular meeting in each calendar thereafter the chairman and vice-chairman and secretary-treasurer for the ensuing year shall be elected from the voting membership. Special meetings may be called by the Chairman or by one fourth (1/4) of the vot-

ing members of the Commission. One third (1/3) of the voting members of the Commission constituting 50% of the total votes shall constitute a quorum.

(Ord. 333, 1996; Ord. 331 (part), 1996; Ord. 232, Sec. 1, 1984)

Section 3. There is created an advisory agency to be known as the Technical Advisory Committee. The Committee shall consist of: One (1) Davenport, Iowa Alderman; Bettendorf, Iowa Mayor; Davenport, Iowa Mayor; Chairman of the Scott County Supervisors Board; One elected "small town" Mayor to represent the "small towns". This may change by Resolution at some time in the future. The term of each member shall continue until a qualified successor has been appointed. Members of the Committee shall receive no compensation for their services but shall be reimbursed by the Commission for expenses necessarily incurred in the performance of their duties. The Committee shall hold regular meetings each calendar year, the number, place and time to be fixed by the Commission. At its first meeting, and at the first meeting of each calendar year thereafter the Committee shall select one of its members to serve as chairman. Special meeting may be called by the chairman or by three (3) members of the Committee upon delivery of written notice to each member of the Committee. Fifty percent (50%) of the members of the Commission shall constitute a quorum.

(Ord. 332, 1996; Ord. 331 (part), 1996)

Section 4. The purpose of this agreement is to provide cities, towns, and counties with sanitary disposal projects for the final disposition of solid wastes by their residents and, thereby, protect the citizens of this state from such hazards to their health, safety and welfare that result from the uncontrolled disposal of solid wastes. To accomplish these objectives, responsibilities, and authority are vested as follows:

A. Scott Area Solid Waste Management Commission.

1. Employ and compensate, within funds available therefor such full-time or part-time employees, consultants and technical assistants as may be necessary to carry out the provisions of this Agreement and prescribe their duties and responsibilities.

2. Prepare and develop general policies for the final disposition of all solid waste in Scott County, Iowa.

3. Adopt and promulgate reasonable rules and regulations consistent with the general intent and purposes of this Agreement in accordance with the provisions of Section 7 hereof.

4. The rules and regulations referred to in subsection (3) of this Section shall have full force and effect within the territory over which the parties to this Agreement have legal jurisdiction relative to the control of solid waste disposal.

5. Cause to be instituted in a court of competent jurisdiction legal proceedings to compel compliance with any order or determination entered by the Commission.

6. Provide such technical, operating or other services including the necessary labor and other facilities as may be required for the purpose of carrying out the provisions of this Agreement, from funds available for purposes of this Agreement. The basic personnel necessary to carry out the provisions of this Agreement, shall be personnel employed by the Commission; however, the Commission may by agreement secure such services as it may deem necessary from any other agency or consulting firm and may arrange for the compensation for such services.

7. Accept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the functions of this Agreement; apply, accept, receive and receipt for Federal and State monies available to the Commission. The Commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this section.

8. Budget and receive duly appropriated monies for expenditures to carry out the provisions and purposes of this Agreement.

B. Technical Advisory Committee.

1. Provide technical guidance and counsel to the Commission in matters relating to standards, specific process problems or other items requiring technical or engineering considerations.

2. Advise the Commission and make recommendations regarding proposed rules and regulations and their practical applications to Sanitary Landfill Operations.

3. Make recommendations to the Commission regarding applications for variances where economic feasibility and technical problems are involved.

4. Act as technical consultants to the Commission in developing plans and programs for carrying out the provisions of this Agreement.

(Ord. 331 (part), 1996)

Section 5. Any rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it shall have been approved by at least two-thirds (2/3) of the total votes authorized under Section 3(a), (b), and (c) hereof.

Section 6. The violation of any rule or regulation of the Commission is hereby declared a misdemeanor.

Section 7. The Commission shall establish its fiscal year at its first regular meeting and prepare an appropriate annual fiscal budget for the first fiscal year and each year thereafter. The portion of the cost of each such budget which the Commission determines must be borne locally, shall be borne proportionally by the Qualified Political Subdivisions which become and are parties to this Agreement in the same ratio as their population bears to the total population of Scott County. The financial accounts of the Commission may be audited at the request of voting member at the end of each fiscal year by an independent certified public accountant, or the State Auditor.

Section 8. The Qualified Political Subdivisions which become and are parties to the Agreement have done so in recognition of the authority granted them to do so in the statutes of the State of Iowa and by so doing have delegated

their respective powers to control solid waste disposal in their own jurisdictions to the Commission established by this Agreement, and such delegation shall continue for any such Political Subdivision until it rescinds its participation hereunder by appropriate ordinance. Such rescission may be affected on any anniversary date of the signatory's signing of this Agreement after the fourth such date and not otherwise, except that rescission based on proof of inability to contribute assessed pro rata share of the finding of the Board's operation or disagreement with any amendment hereof may be effected at any time. Qualified Political Subdivisions desiring to become parties to this Agreement shall pass and approve an Ordinance which accepts and incorporates verbatim the language of this Agreement.

Upon so doing the executive officer of such Qualified Political Subdivision shall sign the original of this Agreement and such act shall then constitute such Qualified Political Subdivision a party to this Agreement except that this Agreement shall not become effective until it has been signed initially by the executive officers, Political Subdivisions of Davenport, Bettendorf, and Scott County.

Section 9. Amendments to this Agreement may be effected by the Board by a vote of two-thirds (2/3) of the total votes authorized under Section 3(a), (b), and (c) hereof.

Section 10. This Ordinance shall be in full force and effect after its passage and publication as provided by law.
(Ord. II-1)

ARTICLE 5 RECYCLING AND RECYCLABLE MATERIALS

3-4.0501 RECYCLABLE MATERIALS DEFINED.

"Recyclable materials" means cleaned out and flattened HDPE and PETE plastic containers without lids, clean glass jars and bottles without lids, cleaned and crushed aluminum cans and tin cans, and cardboard and newspapers with slick advertising materials removed which shall be bundled and tied and placed on top of or adjacent to the recycling container. A list of recyclable plastics will be given out with each recycling container at the time of purchase.

(Ord. 287 (part), 1991)

3-4.0502 RECYCLING CONTAINER DEFINED.

"Recycling container" means a red eighteen (18) gallon container with a tight fitting lid, designated by the city as the approved recycling container.

(Ord. 287 (part), 1991)

3-4.0503 RECYCLING CONTAINER-REQUIRED.

Each residence within the city limits is required to purchase a recycling container at City Hall, on or before December 31, 1992. The city shall sell the containers to residents for the same price the city is charged by the distributor, which price is currently nine dollars (\$9.00) per container.

(Ord. 287 (part), 1991)

3-4.0504 RECYCLING REQUIRED-METHOD OF USE-COLLECTION SCHEDULE.

1. Recyclable materials shall be separated by the owner or occupant from all other refuse accumulated on the premises.

2. Recyclable materials shall be placed in a recycling container for pickup.

3. Recyclable materials shall be collected from the recycling containers on a weekly basis, at the same time as residential garbage pickup.

4. The recycling container shall be placed in the same area where garbage containers are placed for weekly pickup.

5. For the period from January 1, 1992, through December 31, 1992, the recycling efforts described in this article shall be voluntary. Commencing on January 1, 1993, recyclable materials shall not be disposed of by the sanitary landfill method, and on such date, mandatory recycling as specified in this chapter will be required of all residents of the city.

(Ord. 287 (part), 1991)

3-4.0505 FEE.

Each residence within the city limits will be charged two dollars (\$2.00) per month for recycling-related expenses

incurred by the city. If the residence receives a monthly utility billing from the city, such two dollars (\$2.00) per month charge shall be added to the regular utility billing. The price of the recycling container may likewise be added to the utility bill of the residence. Each residence which does not have a utility billing from the city will be charged a once-per-year fee of twenty-four dollars (\$24.00). If any charge for this service shall not be paid by the day of the month in which it shall be come due and payable, a charge of three percent (3%) of the amount of the bill shall be added thereto and collected therewith.

(Ord. 287 (part), 1991; Ord. 417 2007)

3-4.0506 RIGHT TO REFUSE COLLECTION - LATE PAYMENT.

The city or its contractor may refuse to collect any garbage or refuse which does not comply with the provisions of this article, including but not limited to, failure to pay any amount of the recycling expense billed to the residence, and failure to segregate and properly dispose of recyclable materials with the January 1, 1992, billing. This twelve dollars (\$12.00) will be due no later than February 15, 1992, and if not paid, the city will refuse to collect any garbage or refuse after February 15, 1992. The monthly utility bills will be treated in the same manner as the present, due the twentieth of each month, with service being discontinued on the date noted on the second late notice. Recycling will become mandatory on January 1, 1993.

(Ord. 287 (part), 1991)

3-4.0507 DIRECTOR OF PUBLIC WORKS TO ENFORCE.

Additional rules and regulations not inconsistent with the terms and provisions of this article may be promulgated and enforced by the director of public works with the approval of the city council.

(Ord. 287 (part), 1991)

CHAPTER 5 - CEMETERY

3-5.01 DEFINITION.

The term "cemetery" shall mean the Buffalo Municipal Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 of the 1975 Code of Iowa.

3-5.02 CEMETERY SUPERINTENDENT IS APPOINTED.

The city administrator, with the approval of the council, shall appoint a cemetery superintendent who shall operate the cemetery in accordance with the rules and regulations therefore and under the direction of the city administrator.

(Code of Iowa, 1975, Sec. 372.13 [4])

3-5.03 DUTIES OF CEMETERY SUPERINTENDENT.

The duties of the cemetery superintendent shall be as follows:

(Code of Iowa, 1975, Sec. 372.13 [4])

1. Supervise Openings. He shall supervise the opening of all graves and be present at every interment in the cemetery.

2. Maintenance. He shall be responsible for the maintenance of the cemetery buildings, grounds and equipment and shall make a monthly report of the cemetery operation to the city administrator.

3-5.04 RECORDS.

It shall be the duty of the clerk to make and keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:

1. An accurate plat of the cemetery.
2. The names of the owners of all lots that have been sold.
3. The correct description of all lots for sale and the price thereof, as shall be fixed by the city council.
4. The exact location of each grave upon each cemetery lot.

3-5.05 SALE OF LOTS.

The sale of lots in the cemetery shall be evidenced by a deed signed and executed by the mayor and the clerk for and on behalf of the city, and it shall be the duty of the clerk to collect the purchase price for any lot sold before delivering the deed of conveyance for the same. A portion of the

sale price as specified by the rules and regulations established by the council, shall be set aside and deposited in the perpetual care endowment fund of the cemetery.

(Code of Iowa, 1975, Sec. 566.26)

3-5.06 FEES, CHARGES AND PAYMENTS.

The payment of fees and charges shall be made at the office of the City Clerk in the city hall where receipts will be issued for all amounts paid in accordance with the following schedule.

1. Charges for plot purchase

a. Residents or former residents of either the City of Buffalo or Buffalo Township shall be charged \$350 for two graves (\$250 for perpetual care and \$100 for the graves) and \$700 (\$500/\$200) for four graves. All other persons shall be charged \$1,800 (\$1300/\$500) for two graves and \$3,600 (\$2,600/\$1,000) for four graves.

b. Residents or former residents of either the City of Buffalo or Buffalo Township shall be charged \$100 for cremated remains to be placed in a family plot, in addition to normal burials allowed in a family plot.

c. Residents or former residents of either the City of Buffalo or Buffalo Township shall be charged \$100 for a two-foot by two-foot infant burial in a family plot, and \$220 (\$160 for perpetual care and \$60 for the plot) for a two-foot by two-foot plot to be purchased in the infant section of the cemetery.

2. Charges for grave opening and closing

a. Residents or former residents of either the City of Buffalo or Buffalo Township shall be charged \$425 for opening and closing per grave. All other persons shall pay an opening and closing fee of \$745 per grave.

b. The fee for opening and closing for cremated remains will be \$100.

c. The fee for opening and closing each infant grave shall be \$225, regardless if burial is in a family plot or a purchased plot in the infant section.

(Ord. 409, 2006)

3-5.07 PERPETUAL CARE.

The term "perpetual care" shall be construed to mean the obligation which the city assumes to each year expend the net annual income of the perpetual care endowment set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot and adjacent alleys, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. Expenditures shall be made at the discretion and under the direction of the council and the city shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but the same shall be added to the perpetual care fund of the city and the proceeds therefrom used by the city in the manner heretofore provided.

(Code of Iowa, 1975, Sec. 566.14)

3-5.08 PERPETUAL CARE ON LOT SALES.

Future lot sales in the cemetery shall be made with the perpetual care provided for, at the rates specified in the rules and regulations as adopted by the council, under and by virtue of the terms of this chapter.

(Code of Iowa, 1975, Sec. 566.16)

3-5.09 CEMETERY LOTS WITHOUT PERPETUAL CARE.

Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the city of the perpetual care charges at the rates specified in the rules and regulations.

3-5.10 ANNUAL CARE.

An annual care charge as specified in the rules and regulations shall be made by the city on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The city reserves the right to refuse to furnish maintenance service, or to permit the erec-

tion of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

3-5.11 RULES AND REGULATIONS.

There shall be no burials on Sundays or holidays. There shall also be no burials after 3:00 pm on weekdays. This includes the interment of cremated remains. The roads within the cemetery are only to be used for normal traffic associated with cemetery use and are not to be used for any other purpose.

(Ord 409, 2006)

3-5.12 TRESPASSING OR VANDALISM IN CEMETERY.

Any person who shall trespass upon any cemetery under the jurisdiction of the city by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to said cemetery shall be guilty of a misdemeanor and shall be liable for any and all damage.

3-5.13 LOT SIZE.

The size of each burial lot in the first addition to the cemetery is established as 10' 0" X 16' - 0". The head of the grave is to be parallel with a line 2' - 0" from the west line of the lot.

3-5.14 VAULTS REQUIRED.

Upon the final reading and passage of the ordinance codified in this section, vaults will be required with all burials in the Buffalo Cemetery.

(Ord. 208, Sec. 1, 1982)

3-5.15 RESTRICTIONS ON HEADSTONES.

All cemetery lots purchased in the new part of the cemetery, which are the two acres on the south side, shall be required to install only flat style headstones, level with the surrounding area, so that they shall not interfere with normal grass cutting operations. Anyone purchasing lots in the remainder of the cemetery may choose, if they wish, a flat headstone or the upright type headstone. All burials will still require a cement vault in the burial with the casket enclosed, as is required at this time.

(Ord. 263, 1989)

3-5.16 GLASS FLOWER CONTAINERS - PLANTING OF
FLOWERS.

No glass of any type, whether it be vases, jars, bottles, etc., will be allowed on or near the graves. No planting of flowers, shrubs, trees, etc. will be allowed to be planted on or near the graves. No type of fence or border material will be allowed to be placed on or near the graves. All decorative flowers or decorations should be placed as close as possible near or on the headstones to allow more accessibility to keep the grass mowed and trimmed in a timely manner. All violations will be removed from the graves.

(Ord. 303, 1994)