

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 20, BUILDING REGULATIONS
ARTICLE 1, BUILDING CODE**

20.0101 UNIFORM CODES ADOPTED BY REFERENCE – TITLE. Pursuant to the authority of §380.10, Code of Iowa, The Uniform Building Code, 1997 Edition, with accompanying standards, and the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, copyrighted by the International Conference of Building Officials, except as hereinafter amended by this article, are hereby adopted by reference for the purpose of providing rules and regulations for the construction, alteration, removal, demolition, equipment, use occupancy, location and maintenance of buildings and structures within the city. The provisions of said Codes, except as amended herein, shall be controlling in all matters contemplated therein within the city. The provisions of this article shall be known as the "Building Code."
[Ord. No. 1901 Eff. Date 06-22-98] [1987 Code of Ordinances §2.3-1.01]

20.0102 COPIES ON FILE. Official copies of said Codes, including amendments as adopted, are on file in the office of the building official.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-1.02]

20.0103 AVAILABLE FOR PUBLIC INSPECTION. Copies of said Codes, as amended, shall be kept available at the building official's office for public inspection.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-1.03]

20.0104 CONFLICTS AND/OR DUPLICATIONS. Provisions in the Building Code, to the contrary notwithstanding, nothing in this article shall be deemed to repeal or invalidate by implication any provision of the ordinances of the city, as amended, and where other ordinances of the city, such as the Zoning Ordinance, Subdivision Ordinance, Plumbing Ordinance and Electrical Ordinance, shall, in any way, duplicate or conflict with the provisions of the Building Code adopted under the terms of this chapter, the more strict provisions shall prevail.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-1.05]

20.0105 AMENDMENTS TO THE UNIFORM BUILDING CODE.

20.0105.1 Strike therefrom Section 103, and insert in lieu thereof the following as Section 103:

20.0105.1(A) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a municipal infraction, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violations of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be subject to the penalty provided in §1.0109, Code of Ordinances.

20.0105.2 Strike therefrom Section 107.3, and insert in lieu thereof the following as Section 107.3:

20.0105.2(A) When it is necessary, in the opinion of the building official, to have plans checked by an outside agency, the cost of the said plan check shall be borne by the applicant.

20.0105.2(B) There shall be paid to the City for the issuance of each building permit a fee as established by resolution of the City Council. The schedule shall be periodically amended as deemed appropriate by the Council.

20.0105.3 Strike therefore Section 310.4, and insert in lieu thereof the following as Section 310.4:

20.0105.3(A) Access and Exit Facilities and Emergency Escapes. Exits shall be provided as specified in Chapter 33. Access to, and egress from, buildings required to be assessable shall be provided as specified in Chapter 11.

Every sleeping room below the fourth story, and dwelling unit basements which have habitable rooms, shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full, clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four (24) inches. The minimum net clear openable width dimension

shall be twenty (20) inches. When windows are provided as a means of escape or rescue they shall have a finished sill height not more than forty-four (44) inches above the floor.

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Bars, grilles, grates, or similar devices may be installed on emergency escape or rescue windows or doors, provided:

20.0105.3(A)(1) The devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort; and

20.0105.3(A)(2) The building is equipped with smoke detectors installed in accordance with Section 310.9.

20.0105.4 Strike therefrom Section 1605.1, and insert in lieu thereof the following as Section 1605.1:

20.0105.4(A) General. All buildings and portions thereof shall be designed and constructed to sustain, within the stress limitations specified in this Code, all dead loads and all other loads specified in this chapter or elsewhere in this Code. Impact loads shall be considered in the design of any structure where impact loads occur.

20.0105.4(B) Exception. Unless otherwise required by the building official, buildings or portions thereof which are constructed in accordance with the conventional framing requirements specified in chapter 23 of this Code shall be deemed to meet the requirements of this section.

Wind and earthquake loads need not be assumed to act simultaneously.

Roofs shall sustain, in addition to all "dead loads" and in lieu of "live loads" established by this Code, a snow load of thirty (30) pounds per square foot.

Footings and foundations, when required by this Code to extend below the frost line, shall be a minimum of forty-two (42) inches below the finished exterior grade of the building or structure.

20.0105.5 Strike therefrom Section 1806.2, and insert in lieu thereof the following as Section 1806.2:

20.0105.5(A) Bearing Walls. Bearing walls shall be supported on masonry or concrete foundations or piles or other approved foundations system which shall be of sufficient size to support all loads. Where a design is not provided, the minimum foundation requirements for stud bearing walls shall be as set forth in Table No. 18-I-D.

20.0105.5(B) Exceptions. A one-story wood or metal frame building not used for human occupancy and not over 120 square feet in floor area may be constructed with walls supported on a wood foundation plate when approved by the building official.

20.0105.5(B)(1) The support of buildings by posts embedded in earth shall be designed as specified in section 1806.7. Wood posts or poles embedded in earth shall be pressure treated with an approved preservative. Steel posts or poles shall be protected as specified in Section 1807.9.

20.0105.5(B)(2) A one-story wood frame building which is not used for human occupancy and which does not exceed six hundred (600) square feet in area, including additions, may be constructed upon a four (4) inch wire reinforced concrete slab without frost footings.

20.0105.6 Strike therefrom all of the appendix chapters.

20.0105.7 Foundation Retaining Walls for Group R-3 Occupancies. Notwithstanding other design requirements of Chapters 18, 19, and 21, foundation retaining walls for Group R-3 occupancies of Type V construction may be constructed in accordance with the provisions of this Ordinance, provided that the use or building site conditions affecting such walls are within the limitations specified herein.

20.0105.7(A) General Requirements. The maximum height of the foundation shall be seven feet, eight inches (7' 8") measured between the foundation plate and a concrete floor slab having a minimum thickness of three and one-half (3 1/2) inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

The foundation plate shall be attached to the wall with one-half (1/2) inch steel bolts as prescribed in subsection 1806.6.

Materials used for backfilling shall be carefully placed granular soil of average or high permeability. The wood and earth separation requirements of Subsection 2317.8 of this Code shall be observed at all times.

Where soils containing a high percentage of clay, fine silt or similar materials of low permeability of expansive soils are encountered, or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

Foundation walls retaining four (4) feet or more of unbalanced fill, an enclosing useable space, shall have an approved footing drainage system either removing ground water by gravity to a natural surface waterway or collecting ground water in a sump and discharging it to a natural surface waterway or storm sewer. In no instance shall this water be placed in the city sanitary sewer system. Collected ground water shall not be discharged directly onto a street, alley, or sidewalk.

All footings shall be of cast-in-place concrete having a minimum compressive strength of three thousand (3,000) pounds per square inch at twenty-eight (28) days, and shall be reinforced longitudinally with not less than one-half (1/2) inch diameter steel bar for one story construction, or two (2), one-half (1/2) inch diameter steel bars for two story construction. Footing reinforcement shall be symmetrically placed and so located as to insure no less than three (3) inches of concrete over on all sides.

20.0105.7(B) Hollow Concrete Masonry Foundation Walls. Hollow concrete masonry units shall be set in Type M or Type S mortar.

Foundation walls having a nominal thickness of not less than twelve (12) inches may be unreinforced. Other foundation walls shall comply with the following requirements:

20.0105.7(B)(1) The nominal thickness of concrete masonry units shall not be less than eight (8) inches.

20.0105.7(B)(2) When a foundation wall has a horizontal clear-span of more than twelve feet between supporting cross walls or corners, fully grouted vertical reinforcing shall be provided in the center of said wall in the amount of 0.075 square inches of reinforcing steel per lineal foot of wall.

The following schedule shall be deemed to meet these requirements:

Reinforcing Schedule
(0.075 in²/LIN. FT.)

#3 @ 1'-4"
#4 @ 2'-8"
#5 @ 4'-0"
#6 @ 6'-0"
#7 @ 8'-0"

All reinforcing steel shall be deformed bars spaced no more than 8'-0" on center. All grout shall comply with Section 2103 of this Code.

20.0105.7(B)(3) Cast-in-Place Plain Concrete Foundation Walls. Cast-in-place plain concrete foundation walls constructed under the provisions of this subsection shall be of concrete having a minimum compressive strength at twenty-eight (28) days of not less than three thousand (3,000) pounds per square inch. All materials, proportioning, and placing shall conform to the requirements of Chapter 19 of this Code. In addition:

20.0105.7(B)(3a) The minimum thickness of wall shall be seven and one-half (7 1/2) inches.

20.0105.7(B)(3b) Walls shall be reinforced with not less than three (3), one half (1/2) inch diameter deformed steel bars placed horizontally at the center of the wall, with one bar located near the top, one bar located near the bottom, and one bar located near mid-height of the wall. Reinforcing bars and methods of placement shall be in accordance with Chapter 19.

20.0106 BOARD OF APPEALS.

20.0106.1 General Powers. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board, except that when any matter arises under the Fire Code, the fire chief rather than the building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the council and shall hold office at its pleasure. The board shall

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adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

20.0106.2 **Limitations on Authority.** The board of appeals shall have no authority relative to interpretation of the administrative provisions of the Building or Fire Codes nor shall the board be empowered to waive requirements of said Codes.

**TITLE 3, ENVIRONMENT AND HEALTH
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ARTICLE 2, ELECTRICAL CODE**

20.0201 UNIFORM CODE ADOPTED BY REFERENCE – TITLE. Pursuant to the authority of §380.10, Code of Iowa, the National Electrical Code, 1996 Edition, copyrighted by the National Fire Protection Association, except as hereinafter amended by this article, is hereby adopted by reference for the purpose of providing minimum provisions to safeguard life or limb, health, property and public welfare by regulating, licensing and controlling the design, installation, quality of materials, location and maintenance of all electrical installations and uses within the city. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the city. The provisions of this article shall be known as the "Electrical Code."
[Ord. No. 1825 Eff. Date 02-14-96] [1987 Code of Ordinances §§2.3-2.0201(sic), 2.3-2.0203(sic) & 2.3-2.0204(sic)]

20.0202 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the building official.

20.0203 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the building official's office for public inspection.

20.0204 AMENDMENTS TO THE NATIONAL ELECTRICAL CODE
None.

20.0205 SCOPE. The provisions of the Electrical Code shall apply to the electrical conductors and equipment installed within or on public and private structures and other premises; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises; also mobile homes and travel trailers.

Additions to, alterations thereof, and repairs to existing electrical equipment, if covered by the Electrical Code, shall comply with the provisions of the Electrical Code; and further, the electrical inspector may, when such additions, alterations or repairs are made, order further reasonable additions or alterations in a building, structure, or on premises, when a danger to life or property may result if such further additions or alterations were not made.

Installations which were in compliance with the Electrical Code in existence at the time such installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.

For the purposes of the Electrical Code, the term "electrical work" shall apply to all uses, installations, alterations, repairs, removals, replacements, connections, disconnections and maintenance of all electrical equipment.

The term "electrical equipment" shall include all electrical materials, wiring, conductors, fittings, apparatus, devices, appliances, fixtures, signs, or parts thereof, used in electrical work.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0205(sic)]

20.0206 APPLICATION TO MOVED BUILDINGS. Structures moved into or within the city shall comply with the provisions of the Electrical Code for new structures.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0206(sic)]

20.0207 EXISTING BUILDINGS. If an existing building is damaged by fire, or otherwise, or altered in a manner to require the replacement of fifty percent (50%) or more of the wiring equipment, the entire building shall be made to conform to the requirements of the Electrical Code for new buildings. If the type of occupancy of an existing building is partially or entirely changed, the electrical wiring shall be made to conform to the requirements of the Electrical Code for the new type of occupancy.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0207(sic)]

20.0208 CONFORMITY WITH STANDARDS. Conformity with the standards of the Underwriters' Laboratories Incorporated as approved by the United States of American Standards Institute shall be evidence of conformity with approved standards for electrical equipment.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0208(sic)]

20.0209 FURNISHING CURRENT PRIOR TO APPROVAL OF WIRING. No person or corporation generating current for electric light, heat, or power in the city shall connect its system of furnish current

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for electrical purposes to any building or premises which has not been inspected and approved by the electrical inspector. Any person or corporation shall, upon written notice from the electrical inspector to do so, immediately disconnect such building or premise from its source of current.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0209(sic)]

20.0210 **VIOLATIONS.** It shall be unlawful for any person to install, alter, repair, maintain, improve, or use any electrical equipment, or to perform any electrical work in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the Electrical Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0210(sic)]

20.0211 **VIOLATION AND PENALTY.** Any violation of this Article in addition to any other penalty provided shall constitute a municipal infraction and shall be punishable as provided in §1.0109, Code of Ordinances.

20.0212 - 20.0220 **RESERVED**

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20.0221 PERMITS - REQUIRED. No person shall perform any electrical work nor install electrical equipment in or upon any building or property without first securing from the office of the electrical inspector a permit therefor; nor shall any alteration or change be made in the wiring of any building; or in any electrical installation therein or thereon, either before or after inspection, nor shall any electric current be connected to any wires, or apparatus, without notifying the electrical inspector and securing a permit therefor. A separate permit shall be obtained for each structure.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0201]

20.0222 ISSUANCE After proper application on forms provided by the electrical inspector, permits shall be issued in the name of the person holding an active electrician's license and the name of the firm the electrician represents. All applications for electrical permits shall be signed by the licensed electrician, or the homeowner doing homeowner's own work.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0202]

20.0223 NON-TRANSFERABLE -- PERMIT RESTRICTIONS. Permits are not transferable. Electrical work performed under permits issued under the provisions of this article must be done under the direction of the electrician securing such permit, the electrician's firm or corporation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0203]

20.0224 DOUBLE FEE FOR FAILURE TO OBTAIN PERMIT BEFORE STARTING WORK. Except in emergency situations, as determined by the electrical inspector, where work for an electrical permit is required by the Electrical Code is started or proceeded with by any person prior to obtaining a required permit, the regular fees as specified in the Electrical Code for such work shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of the Electrical Code in the execution of the work nor from any other penalties prescribed herein.

No additional permits shall be issued to any person who owes the city the double fee described in this section.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0204]

20.0225 HOME OWNER. In cases where an owner-occupant of a single family dwelling desires to install wiring or electrical equipment or perform any electrical work in owner-occupant single family structure, the owner-occupant may appear before the electrical inspector and show that the owner-occupant is competent to do the specific work for which the owner-occupant desires an electrical permit, and after each showing, may obtain an electrical permit by paying the proper fee. For purposes of this section a single family structure shall mean a detached residence designed for or occupied by one family only.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0205]

20.0226 REVOCATION OF PERMIT; EXPIRATION OF PERMIT. Any permit required by the provisions of the Electrical Code may be revoked by the electrical inspector upon the violation of any provisions of the Electrical Code.

Every permit issued under the provisions of the Electrical Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall first be obtained, and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided that such suspension or abandonment has not exceeded one year.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0206]

20.0227 FEES, FEE EXEMPTION, RE-INSPECTION FEES. There shall be paid to the city for the issuance of each electrical permit a fee as established by resolution of the City Council. The schedule shall be periodically amended as deemed appropriate by the Council.

[Ord. No. 1825 Eff. Date 02-14-96] [1987 Code of Ordinances §2.3-2.0206]

20.0227.1 Electricians performing electrical work for political subdivisions of the State of Iowa, or the federal government may obtain permits for such work without paying the fees described herein.
[Ord. No. 1504 Eff. Date 04-24-86]

20.0227.2 At the discretion of the electrical inspector, a reinspection fee in the amount of ten dollars (\$10.00) may be charged to the holder of a permit if a reinspection is necessary due to permit holder calling for an inspection before the work is ready for inspection or if corrections must be made that require reinspection.
[Ord. No. 1504 Eff. Date 04-24-86]

20.0228 COLLECTION OF FEES FOR EXAMINATIONS, LICENSES, CERTIFICATES AND PERMITS: REFUND OF PERMIT FEES. All fees due the city for examinations, licenses, certificates, and permits shall be collected in the office of the electrical inspector and paid thereafter to the city treasurer.

If, within thirty (30) days of the date of issuance the holder of an electrical permit decides not to commence the work described in such permit, the holder of the permit may, upon application to the electrical inspector, be refunded that portion of the permit fee which is in excess of five dollars (\$5.00). The refund of any fee of five dollars (\$5.00) or less shall not be made.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0208]

20.0229 INSPECTIONS. It shall be the duty of the person to whom the permit was issued, for which a permit is required, to notify the electrical inspector that said work is ready for inspection. The electrical inspector shall, without undue delay, perform the required inspection.

When the electrical work is completed, the person to whom the permit was issued shall notify the electrical inspector that the work is ready for final inspection.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0209]

20.0230 COVERING OR CONCEALING WORK. No electrical work for which a permit is required shall be concealed in any manner from access or sight until such work has been inspected and approved by the electrical inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0210]

20.0231 REMOVAL OF COVERING. The electrical inspector shall have the authority to remove or cause to remove the lath, plaster, boarding or other obstruction which may prevent the proper inspection of wires or electrical equipment.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0211]

20.0232 CORRECTING DEFECTIVE WORK. When an electrical conductor is notified that defects exist in conductor's electrical work, the conductor shall make corrections promptly. Corrections shall be made within thirty (30) days after notification, and if not so made, the electrical contractor shall not be issued any other permits until such defects are corrected and approval given by the electrical inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0212]

20.0233 ANNUAL INSPECTION -- NOTICE OF DEFECTS, FAILURE TO REMEDY DEFECTS. The electrical inspector is hereby empowered to make an annual inspection of all electrical wires and equipment in the city and shall keep an accurate record of inspections and the conditions of electrical equipment, and whenever it shall be ascertained by inspection, as provided in this section, that any electrical installation or part thereof in any building is so defective as to render the same dangerous to person or property, the electrical inspector shall at once cause notice to be given served upon the owner or person in charge, or the occupant of the same to remedy the defects within a reasonable time, to be stated in such notice, and if defects are not remedied within the time fixed by such notice, the electrical inspector may cause the electric current to be disconnected from such building and the electric current shall not again be turned on until all defects or improper conditions have been removed or repaired in conformance with the provisions of the Electrical Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0213]

20.0234 APPOINTMENT OF INSPECTORS. The electrical inspectors shall be appointed by the city administrator and be under supervision of the building official for the enforcement of the Electrical Code and regulations of the city.

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[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0214]

20.0235 ELECTRICAL INSPECTORS -- POWERS, DUTIES AND AUTHORITY. Inspectors shall have the following powers, duties and authority.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0215]

20.0235.1 Entry and Power to Disconnect. Electrical inspectors shall have the right to enter upon any property during reasonable hours in the discharge of their official duties and shall have the authority to cause the disconnection of any wiring or equipment where such wiring or equipment is dangerous to life or property or may interfere with the work of the fire department.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0215(1)]

20.0235.2 Inspection Authorized. The electrical inspectors are hereby authorized, directed and empowered to inspect any and all electrical installations within the city, to condemn and order removed or remodeled and put in proper and safe condition for the prevention of fire and the safety of life, all electrical heating and lighting apparatus, motors, machinery, fixtures and connections, electrical equipment used in the utilization of electrical current for light, heat or power purposes and to control the disposition and arrangements of the same so that persons and property shall not be in danger therefrom.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0215(2)]

20.0236 CONFLICT OF INTEREST PROHIBITED. The electrical inspector and inspector's assistants shall not engage in the business of the sale, installation or maintenance of electrical equipment, either directly or indirectly, and they shall have no financial interest in any form engaged in such business in the city while holding office.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0216]

20.0237 - 20.0250 RESERVED

20.0251 ELECTRICIAN'S LICENSE REQUIRED. No person shall engage in the activity, or represent himself to the public as engaging in the activity of installing, altering, maintaining, or repairing any electrical equipment within the scope of this chapter unless such person shall have first obtained from the city an electrician's license, except that the holders of current electrician's licenses granted by the city prior to the passage of the Electrical Code shall be issued renewals of this license without taking the examinations herein provided. Such licenses shall be issued without examination, upon payment of the required license fee, in the case of any person holding an electrician's license from another Iowa municipal corporation recognized by the board as having similar licensing standards.

A licensed electrician shall be on the job at all times while electrical work is in progress.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0301]

20.0252 RESTRICTED ELECTRICIANS LICENSE. Any person, firm or corporation regularly employed as an appliance dealer or installer or an employee performing such service may be qualified by the board of examiners and be licensed as a restricted electrician. Any person so licensed shall work only on the type of appliance or equipment which licensee or licensee's employer sells or services and is restricted to doing service, repair, control work and make electrical connections only from the distribution panel to the equipment which licensee or licensee's employer sells or services. This type of equipment shall include, but is not limited to, water heaters, air conditioners, clothes washers, clothes dryers, stoves, ovens, garbage disposers, dishwashers, water softeners and heating equipment.

Any person, firm or corporation in the business of installing or making electrical connections to signs, billboards or outdoor advertising displays may be qualified by the board of examiners and be licensed as a restricted electrician. Any person so licensed shall work only on the signs, billboards, or outdoor advertising displays the licensee sells or services and is restricted to making electrical connections from the distribution panel to the equipment only.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0302]

20.0253 EXEMPTIONS. The provisions of this article shall not apply to:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0303]

20.0253.1 Utility Companies. The electrical work of a public utility company, telephone or telegraph companies, nor the person performing electrical work for such companies, where such electrical work is an integral part of the plant used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0303(1)]

20.0253.2 Railroad. A regular employee of any railroad who does electrical work only as a part of that employment.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0303(2)]

20.0254 ISSUANCE TO INDIVIDUALS ONLY. Whenever an electrician's license is issued, it shall be in the name of the person who has qualified for same. No license shall be issued in the name of a firm or corporation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0304]

20.0255 CESSATION OF MEMBERSHIP IN FIRM. In the event a firm's or corporation's licensed member(s) ceases to be a member of the firm or corporation, then such firm or corporation shall not be permitted to do any further electrical work except that work under previously issued permits may, at the discretion of the electrical inspector, be continued and finished. An electrician who terminates the electrician's association with a firm or corporation shall notify the electrical inspector of such termination.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0305]

20.0256 ELECTRICIAN'S INSURANCE AND BOND. Each electrician, or the firm or corporation employing an electrician doing electrical work under this ordinance, shall furnish the electrical inspector a copy of insurance providing for coverage in the amounts of fifty thousand dollars (\$50,000) for property damage, one hundred thousand dollars (\$100,000) for bodily injury, and one hundred thousand dollars (\$100,000) for completed operations. Additionally, an electrician's license bond shall be provided in the amount of five thousand dollars (\$5,000). Both the insurance coverage and bond shall be renewed effective January 1 and be in full force and effect from January 1st to December 31st for each respective year.

Holders of a restricted electrician's license shall be required to provide an electrician license bond in the amount of five thousand dollars (\$5,000).

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0306]

20.0257 LICENSE APPLICATIONS, LICENSE AND RENEWALS. Any person desiring to take examinations for any of the licenses or certificates required by the Electrical Code shall make application thereof to the electrical inspector on blanks furnished by inspector and each application shall be accompanied by a receipt from the city for the examination fee, as set out hereafter, which fee shall be paid for each examination or re-examination.

The examination shall be practical, written or oral, or a combination thereof, and shall be of such a nature as to test the capabilities of all applicants for the same type of license uniformly. The applicant shall clearly demonstrate to the board the applicant's qualifications for the particular license and show satisfactory knowledge of the methods and standards for doing electrical work under the Electrical Code of the city .

If an applicant fails to pass an examination, the applicant may apply for re-examination after the expiration of six months and upon payment of another examination fee.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0307]

20.0258 LICENSE FEES. There shall be paid to the City for the issuance of each electrician's license a fee as established by resolution of the City Council. The schedule shall be periodically amended as deemed appropriate by the Council.

[Ord. No. 1825 Eff. Date 02-14-96] [1987 Code of Ordinances §2.3-2.0308]

20.0259 LICENSE EXPIRATION AND RENEWAL. All licenses shall expire on January 1st of each year. Any license that has so expired may be renewed within sixty (60) days after the expiration date upon payment of the renewal fee plus ten dollars (\$10.00). Upon the expiration of the aforementioned sixty (60) day period, no license or certificate shall be renewed except upon recommendation of the board and payment of the renewal fee plus ten dollars(\$10.00).

[Ord. No. 1825 Eff. Date 02-14-96] [1987 Code of Ordinances §2.3-2.0309]

20.0260 - 20.0270 RESERVED

20.0271 ELECTRICAL BOARD -- CREATION AND AUTHORITY. There is hereby created an electrical board, referred to hereinafter as "the board", with authority to:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0501(sic)]

20.0271.1 Code Review. Periodically review the Electrical Code and make recommendations thereto to the city council.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0501(1)(sic)]

20.0271.2 License Electricians. Prepare and conduct written examinations and examine the qualifications of the applicants for the license and certificates required by this article.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0501(2)(sic)]

20.0271.3 Suspend or Revoke Licenses. Suspend or revoke any of the licenses or certificates required by this article for due cause, within the limits prescribed hereafter.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0501(3)(sic)]

20.0271.4 Appeals. Act as a board of appeals to hear grievances arising from a decision of the electrical inspector and to provide for reasonable interpretations consistent with the provisions of the Electrical Code. Any person may, upon written request, appeal a previous decision of the electrical inspection or the board for consideration.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0501(4)(sic)]

20.0272 MEMBERSHIP. The board shall consist of five (5) members, four (4) of whom shall be appointed by the mayor with the approval of the city council. All members of the board shall hold office until their successors have been qualified and appointed.

The term of each member other than the electrical inspector shall be four (4) years, provided, however, that the original appointments to the board shall be made as follows: one (1) member shall be appointed to serve for a period of one (1) year; one (1) member for two (2) years; one (1) member for three (3) years; and one (1) member for four (4) years.

The board shall consist of the following persons:

One representative of the public who is qualified by technical or professional experience or training in electrical work.

Two licensed (active) electrical contractors who shall not be members of the same electrical business or interest.

One professional engineer (electrical) or representative of the local electrical utility company.

The electrical inspector of the city, who shall act as permanent secretary to the board.

The electrical board shall elect annually one of its members as chairperson. The chairperson shall preside at all meetings of the board.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0402]

20.0273 VACANCIES. All vacancies occurring on the board by removal, resignation or death shall be filled by appointment as determined previously. Any member of the board may be removed by the city council for malfeasance in office, incapacity or neglect of duty. All appointments made under this section shall be for the unexpired term of the position vacated.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0403]

20.0274 MEETINGS. The board shall conduct regularly scheduled meetings for examination during the months of January, April, July and October of each year. Special meetings may be called at any time by the chairperson of the board or the electrical inspector or upon the written request of two members of the board to the chairperson or the electrical inspector.

The council shall provide suitable space in which the board may hold its meetings, and all necessary equipment and facilities for holding examinations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0404]

20.0275 QUORUM. A quorum shall consist of three (3) members of the board. In proceedings relative to the suspension or revocation of licenses or certificates, at least three (3) members must concur in each suspension or revocation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0405]

20.0276 VOTING. All members of the board shall have one vote on any and all matters coming before the board, except that no member of the board shall vote on any questions that the member is engaged as a contractor, material dealer, designer or consultant, or in which the member has any direct interest. The electrical inspector shall not vote on any question involving an appeal in the electrical inspector's previous decision and, in the event of a tie vote, said previous decision shall be affirmed.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0406]

20.0277 GENERAL RULES. The electrical inspector shall keep a full and correct detailed record of the official proceedings of the board and preserve all documents, books, and papers relating to examinations for licenses and certificates and hearings of complaints and charges.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0407]

20.0278 LEGAL COUNSEL. The board shall have the right to request legal counsel from the city when such counsel is desired, or other legal counsel as required.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0408]

20.0279 ELECTRICAL BOARD -- RESPONSIBILITY. It shall be the responsibility and duty of the board:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0409]

20.0279.1 Examination. To prescribe rules and regulations for the conduct of examinations of applicants for licenses and certificates and to prepare the subject matter for examinations suitable to determine the qualifications of applicants for licenses and certificates herein prescribed.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0409(1)]

20.0279.2 Certify Applicants. To rule upon the qualifications of all applicants and certify qualified applicants, together with their respective examinations ratings, within thirty (30) days after the date upon which such examination is held, which the electrical inspector shall cause such license or certificate to be issued.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0409(2)]

20.0279.3 Homeowners Permit. To adopt a responsible method whereby the electrical inspector is authorized to conduct qualifying examinations for a homeowner's permit as described in the Electrical Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0409(3)]

20.0279.4 Revoke or Suspend License. To revoke or suspend any license or certificate herein prescribed for violations of the Electrical Code, but only after the person charged therewith has been given notice and an opportunity to be heard in that person's own defense as provided herein. Said hearing shall be held at the earliest convenience of all parties concerned, but in any case shall be within five (5) days, excluding Saturdays, Sundays and holidays, after written notice has been served on the person charged with the violation. The board shall hear all interested parties who have pertinent written or oral evidence or information to present for consideration. Suspensions shall be for any period up to six months, and during the period of such suspension, the license or certificate of the offender shall be void and said offender shall not perform any work for which a license or certificate is required. After the termination of such period of suspension, such license or certificate shall be reactivated by the electrical inspector, provided that renewal fees which have become due thereon, as herein set out, have been paid.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0409(4)]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 20, BUILDING REGULATIONS
ARTICLE 3, PLUMBING CODE**

20.0301 STATE PLUMBING CODE ADOPTED BY REFERENCE – TITLE. Pursuant to the authority of §380.10, Code of Iowa, the State Plumbing Code referred to in §135.11(5), Code of Iowa, except as hereinafter amended by this article, is hereby adopted by reference for the purpose of providing minimum provisions to safeguard life or limb, health, property and public welfare by regulating, licensing and controlling the design, installation, quality of materials, location and maintenance of all plumbing in buildings and premises within the city and of plumbing in buildings and premises located outside the corporate limits of the city but which are served by individual connections to the municipal water supply or sewer system located inside the corporate limits, except that the following higher standards shall be applicable. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the city. The provisions of this article shall be known as the "Plumbing Code."
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §§2.3-3.0301 & 2.1-3.0303(sic)] (Code of Iowa, §135.11(7)) [Code of Iowa, §364.3(3)]

20.0302 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the building official.

20.0303 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the building official's office for public inspection.

20.0304 AMENDMENTS TO THE STATE PLUMBING CODE

None.

20.0305 SCOPE. The provisions of the Plumbing Code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system, except as otherwise provided for in the Plumbing Code.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0303]

20.0306 EXISTING INSTALLATIONS. Any plumbing system lawfully installed prior to the effective date of the Plumbing Code may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with prior codes and the original design and location and no hazard to the public health, safety or welfare has been created by such system.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0304]

20.0307 MAINTENANCE. The owner or the owner's designated agent shall be responsible for the maintenance of the plumbing system in a safe and sanitary condition.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0305]

20.0308 NUISANCE. Any portion of a plumbing system found by the administrative authority to be insanitary, as defined herein, is hereby declared to be a nuisance.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0306]

20.0309 AUTHORITY TO ABATE. Where a nuisance exists or a plumbing system is maintained in violation of the Plumbing Code or any notice issued pursuant to this article, the administrative authority shall require the nuisance or violation to be abated and, where necessary, shall seek such abatement in the manner provided by law.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0307]

20.0310 ADMINISTRATIVE AUTHORITY. The administrative authority shall be the city administrator or the city administrator's designee.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0308]

20.0311 DUTIES AND POWERS OF THE ADMINISTRATIVE AUTHORITY. The administrative authority may appoint such assistants, deputies, inspectors or other employees as are authorized to carry out the functions imposed upon the administrative authority by this article.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0309]

20.0312 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of the Plumbing Code, or whenever the administrative authority or an authorized representative has reasonable cause to believe there exists in any building or upon any premises any condition which makes such building or premise unsafe, as defined in the Plumbing Code, the administrative authority or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the administrative authority by the Plumbing Code, provided that if such building or premises be occupied, the authority shall first present proper credentials and demand entry; and if such building or premises be unoccupied, the authority shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrative authority or an authorized representative shall have recourse to every remedy provided by law to secure entry.

"Authorized representative" shall include the persons named in §20.0311 of this article.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0310]

20.0313 ENTRY REFUSED. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the administrative authority or an authorized representative for the purpose of inspection and examination pursuant to the Plumbing Code. Any person violating this subsection shall be guilty of a misdemeanor.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0311]

20.0314 VIOLATION AND PENALTIES. Any person, firm or corporation violating any provision of the Plumbing Code shall be deemed guilty of a simple misdemeanor. Each separate day or portion thereof during which any violation of the Plumbing Code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as provided in §1.0109, Code of Ordinances. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of the Plumbing Code. No permit presuming to give authority to violate or cancel the provisions of the Plumbing Code shall be valid, except insofar as the work or use which it authorized is lawful.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0312]

20.0315 CORRECTION OF ERROR. The issuance or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of the Plumbing Code or of any other ordinance or from revoking any certificate of approval when issued in error.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0313]

20.0316 EXPIRATION OF PERMITS. Every permit issued by the administrative authority under the provisions of the Plumbing Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so and the fee therefor shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one (1) year.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0314]

20.0317 PERMIT REQUIRED. It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the administrative authority.

A separate permit shall be obtained for each building or structure.

No person shall allow any other person to do or cause to be done any work under a permit secured by a permittee except persons in permittee's employ.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0315]

20.0318 WORK NOT REQUIRING A PERMIT. No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drain pipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the cleaning of stoppage or the repairing of leaks in pipes, valves or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

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[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0316]

20.0319 APPLICATION FOR A PERMIT. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The administrative authority may require plans, specifications or drawings and such other information as the applicant may deem necessary.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0317]

20.0320 PERMIT ISSUED. If the administrative authority determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the Plumbing Code, the administrative authority shall issue the permit applied for upon payment of the required fee as hereinafter fixed.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0318]

20.0321 COST OF PERMIT. Every applicant for a permit to do work regulated by the Plumbing Code shall state in writing on the application form provided for that purpose the character of the work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as may be required.

Such applicant shall pay for each permit, at the time of issuance, a fee in accordance with the schedule of such fees adopted by resolution of the council.

Any person who shall commence any work for which a permit is required by the Plumbing Code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit therefor before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for re-connection and retest of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc. involved.

When interceptor traps or mobile home site traps are installed at the same time as a building sewer on any lot, no sewer permit shall be required for the connection of any such trap to an appropriate inlet fitting provided in the building sewer by the permittee constructing such sewer.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0319]

20.0322 ALL WORK TO BE INSPECTED. All plumbing and drainage systems shall be inspected by the administrative authority to insure compliance with all the requirements of the Plumbing Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0320]

20.0323 NOTIFICATION. It shall be the duty of the person doing the work authorized by the permit to notify the administrative authority, orally or in writing, that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the test prescribed elsewhere in the Plumbing Code before giving the above notification.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0321]

20.0324 STOP ORDERS. Whenever any work is being done contrary to the provisions of the Plumbing Code, the administrative authority or an authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the administrative authority to proceed with the work.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0322]

20.0325 SUSPENSION OR REVOCATION. The administrative authority may, in writing, suspend or revoke a permit issued under provisions of the Plumbing Code whenever the permit is issued in error or on

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the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provisions of the Plumbing Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0323]

20.0326 **LIABILITY.** The administrative authority or any employee charged with the enforcement of the Plumbing Code, acting in good faith and without malice for the city in the discharge of authority's duties, shall not thereby render themselves liable personally and the authority or employee hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act of omission in the discharge of authority's duties. Any suit brought against the administrative authority or employees because of such act or omission performed by the authority or employee in the enforcement of any provisions of the Plumbing Code shall be defended by the city attorney until final termination of the proceedings.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0324]

20.0327 **BOARD OF APPEALS.** The plumbing examining board shall act as board of appeals in making a correct determination of any appeal arising from actions of the administrative authority. Appeals shall be made in writing and the appellant may appear in person before the board or be represented by an attorney and may introduce evidence to support appellant's claims. Appeals shall be heard at reasonable times at the convenience of the board but not later than thirty (30) days after receipt thereof. The appellant shall cause to be made at the appellant's own expense any tests or research required by the board to substantiate appellant's claims.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0325]

20.0328-20.0340 **RESERVED**

20.0341 LICENSING OF PLUMBERS – PURPOSE The purpose of examining and licensing plumbers is to protect public safety, health and welfare.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0102]

20.0342 LICENSING OF PLUMBERS – DEFINITIONS. For use in this article, the following terms are defined:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0103]

20.0342.1 Apprentice Plumber. Any person engaged in the business of installing plumbing, other than a journeyman plumber or master plumber. An apprentice plumber must be employed by or work under the supervision of a journeyman or master plumber.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0103(1)]

20.0342.2 Journeyman Plumber. A person who has the necessary qualifications, training, experience and technical knowledge to do plumbing work, and is licensed to do so by the city, in accordance with the applicable rules and regulations as set by the State of Iowa and the city. A journeyman plumber shall not be issued permits to do plumbing work but shall be under the employ of a bonded master plumber.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0103(2)]

20.0342.3 Master Plumber. A person who undertakes or offers to undertake to plan for, lay out, supervise and install plumbing work as defined by this article. A master plumber shall be required by examination to display a higher degree of competency and knowledge than a journeyman plumber and may be issued permits, upon proper application, after posting a plumber's bond as required by §20.0353, Code of Ordinances. Any person having been issued a master plumber's license by the city shall be considered a licensed journeyman plumber as well.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0103(3)]

20.0342.4 Plumbing. The term "plumbing" shall mean the pipes and fixtures associated with the distribution, use and disposal of water to, in and from buildings.

20.0343 LICENSE REQUIRED. It shall be the duty of any person, before engaging in the plumbing business, to make application for examination by the board of examiners of plumbers. After such person shall have made an application, the plumbing inspector shall notify applicant in writing at least three (3) days before the examining board shall meet. Any master plumber who shall engage in the practical installation of any plumbing work which is by law subject to official inspection or shall do work usually performed by a journeyman plumber shall be required to have a journeyman plumber's license as well as a master plumber's license.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0104]

20.0344 TEMPORARY LICENSE. Upon the payment of the fee prescribed by this article, a temporary license may be issued by the clerk of the board of examiners of plumbers to any applicant for a license, when the applicant produces satisfactory evidence that the applicant is entitled thereto. A temporary license will entitle the holder thereof to the privilege and protection of this article until such applicant shall have been examined by the board of examiners and the applicant's qualifications determined. Temporary licenses shall not be renewed. Any applicant failing to pass the examination may be re-examined after the expiration of sixty (60) days.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-2.0105]

20.0345 LICENSE NOT TRANSFERABLE. No plumbing license shall be transferable.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0106]

20.0346 EXPIRATION OF LICENSE. Plumbing licenses shall expire on December 31st of each year, but may be renewed from year to year upon payment of the renewal fee provided for in §20.0313; provided that application for renewal is made in writing on or before December 31. Upon failure to make application for renewal, the applicant becomes subject to a new examination.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0107]

20.0347 REVOCATION OF LICENSE. Any license issued by the board of examiners of plumbers may be revoked by the board of examiners for violation of the provisions of this article or of the rules of the local or state board of health.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0108]

20.0348 REGISTRATION OF APPRENTICE PLUMBERS. For the purpose of determining length of service as an apprentice plumber, all master plumbers may register with the city plumbing inspector those people in their employ who are serving as apprentice plumbers and who are actively doing plumbing work under the supervision of a licensed master or journeyman plumber. Apprentices shall be registered annually on January 1st on a form provided by the plumbing inspector.

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[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0109]

20.0349 APPLICATION FOR EXAMINATION. Any person desiring to be examined for a license as a journeyman plumber or master plumber shall make application therefor to the plumbing inspector on blanks to be furnished by the city. Each application shall be accompanied by the payment of the examination fee provided for in this article, which sum shall be in full payment of all charges connected therewith.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0110]

20.0350 APPRENTICESHIP REQUIRED. Any person desiring to be examined as a journeyman or master plumber shall show evidence to the board of examiners of having served at least eight thousand (8,000) hours apprenticeship under a licensed journeyman plumber prior to being permitted to take such examination. The board of examiners shall allow credit, not to exceed two thousand (2,000) hours, for completion of an accredited apprenticeship training program or formal classroom training approved by the board. Credit shall be on the basis of three (3) hours credit for each hour of classroom attendance.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0111]

20.0351 LICENSE EXAMINATION. The board of examiners of plumbers shall examine all applicants as to their qualifications to engage in the trade of plumbing and shall issue a license to each applicant found qualified to the satisfaction of the board. The board shall not grant to any person a license as journeyman or master plumber, except as otherwise specifically provided, who has not furnished the board with satisfactory proof that the applicant is a competent, safe and proper person to engage in such trade. For the purpose of determining such facts, the board shall subject the applicant to such examination in respect thereto as it may deem necessary before granting such license in accordance with the rules adopted by the board of examiners.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0112]

20.0352 EXAMINATION FEES. The fee for examination by the board of examiners shall be fifty dollars (\$50.00) for a master or employing plumber. The fee shall be twenty-five dollars (\$25.00) for a journeyman plumber. Fees for the renewal of a master or employing plumber's license shall be fifteen dollars (\$15.00). Fees for renewal of a journeyman plumber's license shall be seven dollars and fifty cents (\$7.50).

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0113]

20.0353 PLUMBER'S BOND. No person shall be entitled to the issuance of a license under the provisions of this article until they have furnished a corporate surety bond in the amount of five thousand dollars (\$5,000), conditioned upon faithful observance of the laws and regulations of the city and of the state relating to plumbing work, upon prompt payment to the city of all sums that may become due or owing to the city by reason of this article, upon the payment of all fines that may be assessed under this article and to indemnify the city and keep it harmless from liabilities or damages arising from negligence in the carrying out of such plumbing work; also, to provide against loss to any property owner occasioned by plumbing work not in accordance with the Plumbing Code which is ordered removed and replaced by the plumbing inspector of the city. Such bond shall be kept in force continuously with the license of any person obtaining a plumbing license pursuant to this article.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0114]

20.0354-20.0370 RESERVED

20.0371 PLUMBERS EXAMINING BOARD ESTABLISHED. There is hereby created a board of examiners of plumbers, hereinafter referred to as the board, to consist of five members. Board members shall be appointed by the mayor with the concurrence of the city council. One member shall be a plumber licensed as a master and/or journeyman by the city. The mayor shall give preference to individuals licensed as a master plumber in selecting this member. One member shall be either the Jasper County sanitarian or a member of the Jasper County board of health. Two members shall be representatives of the public who are non-plumbers and who are qualified by technical or professional experience or are generally knowledgeable of plumbing installations. One member shall be the plumbing inspector of the city, who shall act as permanent secretary to the board. All members of the board shall be residents of the city, except that this provision may be waived by the mayor for the Jasper County sanitarian or board of health member. Any appointed member may be removed from office for cause by a two-thirds (2/3) vote of the council.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0201]

20.0372 TERM OF BOARD MEMBERS. The plumbing inspector shall serve continuously without appointment. All other members of the board shall serve three (3) year staggered terms after their initial appointment. All members shall serve until their successors are duly appointed and qualified.

To implement staggered terms of office, initial terms of office shall expire as follows:

One member to serve until January 1, 1986.

One member to serve until January 1, 1987.

Two members to serve until January 1, 1988

Thereafter, all terms shall be for three years each.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0202]

20.0373 BOARD VACANCY. Should a vacancy in the board occur, it shall be the duty of the plumbing inspector to notify the council of such vacancy. The council shall immediately appoint a new member to the board to fill the vacancy.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0203]

20.0374 MEETING ROOM, EXPENSES, COMPENSATION. The council shall provide suitable rooms in which the board of examiners of plumbers may hold its meetings and shall provide for the necessary incidental expenses incurred by the board. Members of the board shall serve without compensation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0204]

20.0375 QUORUM, VOTE, CHAIRPERSON. Three (3) members of the board of examiners of plumbers shall constitute a quorum for the transacting of all business. Any action taken by the board shall require a majority vote of all members of the board. The failure of the board to take action shall sustain the position of the plumbing inspector. The board shall elect annually one of its members as chairperson. The chairperson shall preside at all meetings of the board.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0205]

20.0376 INSPECTOR'S DECISION APPEALED. Any person affected by a decision of the plumbing inspector may request and shall be granted a hearing on the decision, provided that such person shall file in the office of the plumbing inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within fifteen (15) days after the day that the person received notice of the decision. Upon receipt of such petition, the plumbing inspector shall set a time and place for such hearing and shall give petitioner written notice thereof at least three (3) days before the date set for the hearing, unless such three (3) day notice requirement is waived, in writing, by the petitioner. At such hearing the petitioner shall be given an opportunity to be heard to show why the decision of the plumbing inspector should be modified or withdrawn. The plumbing inspector shall have the opportunity to be heard to show why a decision should be affirmed. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, unless, for good cause, a postponement of the hearing is granted.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0206]

20.0377 BOARD ACTION ON APPEAL. After such hearing, the board shall affirm, modify or withdraw the decision of the plumbing inspector. The proceedings at any hearing before the board, including the findings and decision of the plumbing inspector, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the plumbing inspector. Such record shall include a copy of every notice or order issued in connection with the matter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0207]

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20.0378 **APPEAL TO COUNCIL.** In the event any person shall feel aggrieved by any action of the board, that person may appeal from such action to the council by filing written notice of an appeal within ten (10) days from the date of the action. The council shall give the appealing party and the plumbing board five (5) days written notice by certified mail of the date, time, and place of hearing. All interested persons shall be given an opportunity to be heard at such hearing and the council may affirm, modify, or overrule the action of the board.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-3.0208]

20.0379-20.0400 **RESERVED**

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 20, BUILDING REGULATIONS
ARTICLE 4, FIRE CODE**

20.0401 UNIFORM CODE ADOPTED BY REFERENCE – TITLE. Pursuant to the authority of §380.10, Code of Iowa, the Uniform Fire Code and the Uniform Fire Code Standards, 1997 Edition, copyrighted by the Western Fire Chiefs and the International Conference of Building Officials, except as hereinafter amended by this article, is hereby adopted by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion within the city. The provisions of said Code, except as amended herein, shall be controlling in all matters contemplated therein within the city. The provisions of this article shall be known as the "Fire Code."

20.0402 COPIES ON FILE. An official copy of said Code, including amendments as adopted, is on file in the office of the building official.

20.0403 AVAILABLE FOR PUBLIC INSPECTION. A copy of said Code, as amended, shall be kept available at the building official's office for public inspection.

20.0404 AMENDMENTS TO THE UNIFORM FIRE CODE

| | | |
|--------------------------|-------------------|---------|
| Section 105 | Permits | Deleted |
| Section 1101.3 | Permits and Plans | Deleted |
| Section 2501.3 | Permits and Plans | Deleted |
| Section 2901.2 | Permits | Deleted |
| Appendix II-F, Section 3 | Permits and Plans | Deleted |

20.0405 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.
[Ord. No. 1578 Eff. Date 08-19-88]

20.0405.1 The Uniform Fire Code shall be enforced by the fire department of the city which shall be operated under the supervision of the fire chief.
[Ord. No. 1578 Eff. Date 08-19-88]

20.0405.2 The fire chief may detail such members of the fire department as inspectors as shall from time to time become necessary. The fire chief shall recommend to the city administrator the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the fire department and the appointments made after examination shall be for an indefinite term, with removal only for cause.
[Ord. No. 1578 Eff. Date 08-19-88]

20.0406 DEFINITIONS. Whenever the word "jurisdiction" is used in the Uniform Fire Code, it shall mean the city.
[Ord. No. 1578 Eff. Date 08-19-88]

20.0407 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED. The limits referred to in Section 7902.2.2.1 and Section 7904.2.5.4.2 of the Uniform Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: Corporate city limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan for the city.
[Ord. No. 1825 Eff. Date 02-14-96]

20.0408 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in §8204.2 of the Uniform Fire Code, in which storage of liquified petroleum gas is restricted are hereby established as follows: Corporate city limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan for the city.
[Ord. No. 1825 Eff. Date 02-14-96]

20.0409 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The limits referred to in Section 7701.7.2 of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited are hereby

established as follows: Corporate City limits excluding areas identified as "existing industrial areas" or "heavy industrial expansion" or "light industrial expansion" in the comprehensive plan of Newton, Iowa.
[Ord. No. 1825 Eff. Date 02-14-96]

20.0410 ESTABLISHMENT OF REGULATIONS FOR USE OF CANDLES AND OTHER OPEN FLAME DEVICES.

[Ord. No. 1568 Eff. Date 05-06-88]

20.0410.1 Candelabra with flame lighted candles shall be supported by a sturdy broad base to prevent overturning and shall be located away from occupants using the area and away from possible contact with drapes, curtains or other combustibles.

[Ord. No. 1568 Eff. Date 05-06-88]

20.0410.2 When the following safeguards have been taken, hand-held flame-lighted candles may be used. 1) Hand-held candles shall not be passed from one person to another while lighted. 2) Monitors shall be assigned to observe the occupants of the room or building where hand-held candles are used, and flame-suppressing blankets shall be provided, to assist in suppression of fire which might involve a person's hair or clothing. 3) Fire extinguishers shall be provided as required for normal occupancy use. 4) Attention shall be directed at maintaining proper aiseways and exits during such public assemblies.

[Ord. No. 1568 Eff. Date 05-06-88]

20.0411 APPEALS. Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Code do not apply or that the true intent and meaning of the Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the Building Code board of appeals within thirty (30) days from the date of the decision appealed. When the Building Code board of appeals hears appeals under the Fire Code, the fire chief shall be an ex officio member and shall act as secretary to the board

[Ord. No. 1578 Eff. Date 08-19-88]

20.0412 NEW MATERIALS PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The building official, the fire chief and the city engineer shall act as a committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said Code. The fire chief shall post such list in a conspicuous place in the chief's office and distribute copies thereof to interested parties.

[Ord. No. 1578 Eff. Date 08-19-88]

20.0413 PENALTIES.

[Ord. No. 1578 Eff. Date 08-19-88]

20.0413.1 Any person who shall violate any of the provisions of this Code or standards hereby adopted or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and for which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of appeals, within the time fixed herein, shall be guilty of a municipal infraction and on conviction thereof be subject to the penalty imposed by §1.0109, Code of Ordinances; the imposition of one penalty for any violation shall not excuse the violation of permit to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified each day prohibited conditions are maintained shall constitute a separate offense.

[Ord. No. 1825 Eff. Date 02-14-96]

20.0413.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

[Ord. No. 1578 Eff. Date 08-19-88]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 21, MINIMUM HOUSING CODE**

21.0101 **PURPOSE.** It is hereby declared that the purpose of this chapter is to protect, preserve and promote the physical health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned rental dwellings for the purpose of maintaining adequate sanitation and public health and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all rental dwellings now in existence or hereafter constructed.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.01]

21.0102 **SCOPE.** The provisions of this chapter shall apply uniformly to the construction, maintenance, use and occupancy of all residential buildings and structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings within the jurisdiction of the City of Newton, irrespective of the date of construction.

The provisions of this chapter shall not apply to buildings and structures licensed and inspected by the state for a particular use or uses in which residential living is an incident to such use; provided, however, that if such buildings or structure or a portion thereof is used for a part of the day or night for purposes which would otherwise make it subject to this chapter, then and to that extent the provisions of this chapter shall apply.

Whenever any portion of a building or structure is subject to this chapter, then all dwelling units and rooming units, including any occupied by the owner or authorized agent, are subject to the provisions of this chapter.

[Ord. No. 1556 Eff. Date 12-30-87] [1987 Code of Ordinances §2.3-4.02]

21.0103 **TITLE.** This chapter shall be known and may be cited as the Minimum Housing Code of the City of Newton, hereinafter referred to as "the Housing Code".

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.03]

21.0104 **DEFINITIONS.** The following definitions shall apply in the interpretation of this chapter:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04]

21.0104.1 **"Basement":** shall mean a portion of a building located partly underground but having at least one-half (1/2) of its clear floor-to-ceiling height above adjoining ground level.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(1)]

21.0104.2 **"Housing Inspector":** shall mean the official or officials of the City of Newton appointed to administer the provisions of this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(2)]

21.0104.3 **"Cellar":** shall mean a portion of a building located partly or wholly underground and having less than one-half (1/2) of its clear floor-to-ceiling height above the adjoining ground level.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(3)]

21.0104.4 **"Dwelling":** shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(4)]

21.0104.5 **"Dormitory":** shall mean any dwelling where group sleeping accommodations are provided for persons not members of the same family groups in which several occupy large rooms or a series of closely associated rooms under joint occupancy and single management.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(5)]

21.0104.6 **"Dwelling Unit":** shall mean any room or group of rooms located within a dwelling and forming a single habitual unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(6)]

21.0104.7 **"Exit":** shall mean that portion of a means of egress which is separated from all spaces of the building or structure by construction or equipment as required in this chapter to provide a protected way of travel to the exit discharge.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(7)]

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21.0104.8 "Exit access": shall mean that portion of a means of egress which leads to an entrance to an exit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(8)]

21.0104.9 "Exit Discharge": shall mean that portion of a means of egress between the termination of an exit and a public way.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(9)]

21.0104.10 "Exterminating": shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the housing inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(10)]

21.0104.11 "Garbage": shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(11)]

21.0104.12 "Habitable Room": shall mean a room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, excluding bathrooms, recreation rooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storing spaces.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(12)]

21.0104.13 "Infestation": shall mean the presence within or around a dwelling of any insects, rodents, or other pests.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(13)]

21.0104.14 "Multiple Dwelling": shall mean any dwelling containing more than two (2) dwelling units.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(14)]

21.0104.15 "Occupant": shall mean any person over one (1) year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(15)]

21.0104.16 "Operation": shall mean any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(16)]

21.0104.17 "Owner": shall mean any person who, alone or jointly or severally with others:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.-4(17)]

21.0104.17(A) Shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; or

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(17A)]

21.0104.17(B) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if the representative were the owner.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(17B)]

21.0104.18 "Permit": shall mean a certificate certifying that the unit for which it is issued in compliance with the applicable provisions of this chapter, which certificate shall expire at the end of one (1) year following its date of issuance, unless sooner suspended or revoked as hereinafter provided, and shall be renewed annually.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(18)]

21.0104.19 "Person": shall mean and include any individual, firm, corporation, association or partnership.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(19)]

21.0104.20 "Plumbing": shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks,

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dishwashers, lavatories, bathtubs, shower baths, clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections and to water, sewer or gas lines.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(20)]

21.0104.21 "Rooming Unit": shall mean any group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking and eating purposes.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(21)]

21.0104.22 "Rooming House": shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator to persons except those whose relationship to the owner or operator by blood, marriage or legal adoption was the basis for occupancy.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(22)]

21.0104.23 "Rubbish": shall mean combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(23)]

21.0104.24 "Supplied": shall mean paid for, furnished or provided by or under the control of the owner or operator.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(24)]

21.0104.25 "Temporary Permit": shall mean a certificate certifying that the unit for which it is issued is not in compliance with the applicable provisions of this chapter and which certifies that the unit for which it is issued may be occupied for a time specified in said certificate pending the completion of the necessary improvements needed to bring it into compliance. Said time period being determined by a reasonable time necessary for the completion of said improvements, not to exceed one (1) year, and said temporary permit shall be in effect for said time period unless sooner suspended or revoked as provided in this chapter and shall not be renewable with the exception that one renewal may be granted if the original permit and the renewal do not exceed one (1) year.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(25)]

21.0104.26 "Meaning or Certain Words": Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used by this chapter, they shall be construed as though they were followed by the words, "or any part thereof".
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.04(26)]

21.0105 **PERMIT REQUIRED.** No person shall lease, rent, let, permit, or otherwise allow the occupancy of a dwelling, dwelling unit, or rooming unit, directly or through an authorized agent, unless the person holds a valid rental permit or a temporary permit for said dwelling, issued by the housing inspector in the name of the operator for a specific dwelling or dwelling unit. The permit or temporary permit shall be displayed in a conspicuous place within the dwelling at all time. Each temporary permit shall have clearly stamped thereon the words "TEMPORARY PERMIT" and the duration of said permit.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.05]

21.0106 **PERMIT DENIED -- APPEAL.** Any person whose application for a permit to operate a rental dwelling has been denied may request and shall be granted a hearing on the matter before the housing appeals board under the procedure provided by §21.0112.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.06]

21.0107 **PERMIT FEE.** Before the housing inspector shall issue any permit or temporary permit under the provision of this chapter, there shall be paid by the owner or operator of the rental dwelling unit a fee, the amount of which shall be set by resolution of the council. The fee for a temporary permit shall be the same as for a permit and a separate fee shall be due for each and every renewal of a temporary permit and a separate fee shall be required for a regular permit issued after a temporary permit has expired or the unit has come into compliance.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.07]

21.0108 **PERMIT SUSPENDED.** Whenever, upon inspection of any rental dwelling unit, the housing inspector finds that conditions or practices exist which are in violation of any provisions of this chapter, the housing inspector shall give notice in writing to the operator of such unit that unless such conditions or practices are corrected within a reasonable period, to be determined by the housing inspector, the operator's permit will be suspended. At the end of such period, the housing inspector shall re-inspect such unit and if the housing inspector finds that such conditions or practices have not been corrected, the housing inspector shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall

immediately cease operation of such rental dwelling unit and no person shall occupy for sleeping or living purposes therein, provided that in instances where violations of this chapter are confined to one (1) of several dwelling units or rooming units within a dwelling and, in the judgment of the housing inspector, do not constitute a hazard to health or safety elsewhere, the housing inspector may limit the application of the requirement to vacate premises to the areas in which the violations exist.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.08]

21.0109 PERMIT SUSPENDED - APPEAL. Any person whose permit to operate a rental dwelling unit has been suspended or who has received notice from the housing inspector that a permit is to be suspended unless existing conditions or practices are corrected, may request, and shall be granted, a hearing on the matter before the housing appeals board under the procedure provided by §21.0112 of this chapter, provided that if no petition for such hearing is filed within ten (10) days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.09]

21.0110 INSPECTIONS. The housing inspector, or a duly authorized agent, is hereby authorized and directed to make inspections to determine the condition of all owner occupied dwellings, rental dwelling units, rooming units, and premises located within this city in order that the housing inspector or designee may perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

The provisions of this chapter shall be enforced against owner-occupied single family dwellings and the occupants thereof only 1) upon receipt of a complaint from a party identifying himself made or filed with city officials by a person not in the city's employ or, 2) when such dwelling is directly involved in a project or program of structural improvement which is subsidized in whole or in part by public funds, and then only to the extent defined in that project or program.

For the purpose of making such inspections, the housing inspector or a duly authorized agent is hereby authorized to enter, examine and survey at all reasonable times all owner occupied dwellings, rental dwellings, rental dwelling units, rooming units and premises, with the consent of the owner or a duly authorized agent. Such inspections shall be at reasonable times on the week days between the hours of 7:30 a.m. and 4:30 p.m., or at any other time when the owner or a responsible occupant or the authorized agent is by arrangement present. In the event that the owner, occupant, or authorized agent of the said owner shall refuse to allow the housing inspector or a duly authorized agent free access to such owner occupied dwellings, rental dwelling, rental dwelling units, rooming units and premises at reasonable times, then and in the event the housing inspector or a duly authorized agent shall secure a search warrant to inspect such units or premises on the basis of the refusal of the owner, occupants, or authorized agent to allow said inspector.

[Ord. No. 1556 Eff. Date 12-30-87] [1987 Code of Ordinances §2.3-4.10]

21.0111 NOTICE OF VIOLATION. Whenever the housing inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the housing inspector shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11]

21.0111.1 Written. Be put in writing.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11(1)]

21.0111.2 Reasons. Include a statement of the reasons why it is being issued.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11(2)]

21.0111.3 Time. Allow a specific time for the performance of any act it requires.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11(3)]

21.0111.4 Service. Be served upon the owner or owner's agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon the owner, owner's agent, or occupant personally or if a copy thereof is sent by certified mail to the last known address, or if owner, owner's agent or occupant is served with such notice by any other method authorized or required under the laws of this state.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11(4)]

21.0111.5 Remedial Action. Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.11(5)]

21.0112 HOUSING APPEALS BOARD. For the purposes specified in this chapter there is hereby created a housing appeals board, which shall be the Building Code board of appeals.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12]

21.0112.1 Hearing. Any person affected by any notice that has been issued in connection with the enforcement of any provisions of this chapter may request, and shall be granted, a hearing on the matter before the housing appeals board, provided that such person shall file in the office of the housing inspector a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition the housing inspector shall set a time and place for such hearing, shall give the petitioner written notice thereof, and shall take no further enforcement action pending the outcome of the hearing. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed, provided that, upon application of the petitioner, the housing inspector may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if, in the housing inspector's judgement, the petitioner has submitted a good and sufficient reason for such postponement.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(1)]

21.0112.2 Action by Board. After such hearing, the housing appeals board shall by written order sustain, modify, or withdraw the violation(s) cited in the housing inspector's notice, and reinstate or revoke the permit accordingly in said order, after consideration of whether the provisions of this chapter have been complied with.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(2)]

21.0112.3 Record and Appeal. The proceedings at such hearing, including the findings and decision of the housing appeals board, shall be summarized, reduced to writing and entered as a matter of public record in the office of the housing inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. No hearing shall be valid unless a majority of the board is present and no decision at a hearing shall be valid and binding unless reached by a majority of the whole board. Any person aggrieved by the decision of the housing appeals board may seek relief therefrom by appeal to the Iowa District Court, in and for Jasper County, Iowa.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(3)]

21.0112.4 Emergency Order. Whenever the housing inspector finds that an emergency exists which threatens immediately the public health, the housing inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the housing inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but, upon petition to the housing inspector, shall be afforded a hearing at the earliest expedient time. After such hearing, depending upon its findings as to whether the provisions of this chapter have been complied with, the housing appeals board shall continue such order in effect, modify it or revoke it.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(4)]

21.0112.5 Conflict. Enforcement of the Housing Code shall not be construed for the particular benefit of any individual or group of persons, other than the general public. In the event of a conflict between this section and any other section of the Housing Code, this section shall govern insofar as applicable.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(5)]

21.0112.6 Liability. The city or any employee is not liable for damages to a person or property as a result of any act or failure to act in the enforcement of the Housing Code. The Housing Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the city or any city employee be held as assuming any such liability by reason of the inspections authorized by this Code or any approvals issued under this Code.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(6)]

21.0113 HOUSING QUALITY STANDARDS. The following housing quality standards are derived from the housing quality standards as promulgated by the United States Department of Housing and Urban Development and published in the Federal Register, Volume 43, Number 251, on Friday, December 29, 1978, and are adopted to establishing a Housing Code pursuant to House File 2536 (68th G.A., 1979).
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(sic)]

21.0113.1 Sanitary Facilities.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(1)(sic)]

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21.0113.1(A) Performance Requirement. The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(1A)(sic)]

21.0113.1(B) Acceptability Criteria. A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(1B)(sic)]

21.0113.2 Food Preparation and Refuse Disposal.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(2)(sic)]

21.0113.2(A) Performance Requirement. The dwelling unit shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(2A)(sic)]

21.0113.2(B) Acceptability Criteria. The unit shall contain the following equipment in proper operating condition: Cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the owner or the family, and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services outdoors for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(2B)(sic)]

21.0113.3 Space and Security.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(3)(sic)]

21.0113.3(A) Performance Requirement. The dwelling unit shall afford the family adequate space and security.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(3A)(sic)]

21.0113.3(B) Acceptability Criteria. A living room, kitchen area, and bathroom shall be present and the dwelling unit shall contain at least one sleeping or living/sleeping room. Every dwelling unit shall have at least one room which shall have not less than one hundred fifty (150) square feet of floor area. Other habitable rooms except kitchens shall have an area of not less than seventy (70) square feet. Exterior doors and windows accessible from outside the unit shall be lockable.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(3B)(sic)]

21.0113.4 Thermal Environment.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(4)(sic)]

21.0113.4(A) Performance Requirement. The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(4A)(sic)]

21.0113.4(B) Acceptability Criteria. The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(4B)(sic)]

21.0113.5 Illumination and Electricity.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(5)(sic)]

21.0113.5(A) Performance Requirement. Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(5A)]

21.0113.5(B) Acceptability Criteria. Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two (2) 115V. duplex electrical convenience outlets shall be present and adequately located to limit the use of extension cords in the living

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area, kitchen area and each bedroom area. All electrical wiring shall be maintained in a safe condition, shall be used in a safe manner, and properly operate for the use for which it is intended.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(5B)]

21.0113.6 Structure and Materials.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(6)]

21.0113.6(A) Performance Requirement. The dwelling shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. All dwellings shall be properly maintained and kept in good repair so they do not have a blighting influence on their neighborhood or the City of Newton.

[Ord. No. 1556 Eff. Date 04-30-86] [1987 Code of Ordinances §2.3-4.12(6A)]

21.0113.6(B) Acceptability Criteria. Every footing, foundation, roof, gutter, leader, downspout, wall, door, window, skylight, ceiling, floor, plumbing fixture, heating apparatus, chimney vent, electrical equipment, and screen must be maintained in sound condition, rodent-proof and in good repair. All exterior foundation walls shall be properly graded and drained so as to be kept free of stagnant water. All exterior wood surfaces other than decay resistant woods shall be painted or protected by covering or treatment using non-toxic materials where readily accessible to children. All exterior stairways, porches, and other appurtenances shall be kept in sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon. All stairs shall have uniform risers and treads.

All repairs shall be done in a workmanlike manner and the site maintained in a safe and sanitary condition.

[Ord. No. 1556 Eff. Date 04-30-86] [1987 Code of Ordinances §2.3-4.12(6B)(sic)]

21.0113.7 Interior Air Quality.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(7)(sic)]

21.0113.7(A) Performance Requirements. The dwelling units shall be free of pollutants in the air at levels which threaten the health of the occupants.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(7A)(sic)]

21.0113.7(B) Acceptability Criteria. The dwelling units shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, excessive dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(7B)(sic)]

21.0113.8 Water Supply.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(8)(sic)]

21.0113.8(A) Performance Requirements. The water supply shall be free from contamination.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(8A)(sic)]

21.0113.8(B) Acceptability Criteria. The unit shall be served by an approved public or private sanitary water supply.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(8B)(sic)]

21.0113.9 Lead Based Paint:

[Ord. No. 1686 Eff. Date 7-18-91] [1987 Code of Ordinances §2.3-4.12(9)(sic)]

21.0113.9(A) Performance Requirement. The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, 24 CFR, Part 35, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 24 U.S.C. 4801; and the owner shall provide a certification that the dwelling is in accordance with such HUD regulations.

If the property was constructed prior to 1978, the requirements of Title IV of the Lead Based Paint Poisoning Prevention Act apply.

[Ord. No. 1686 Eff. Date 7-18-91] [1987 Code of Ordinances §2.3-4.12(9A)(sic)]

21.0113.9(B) Acceptability Criteria. Same as Performance Requirement.

[Ord. No. 1686 Eff. Date 7-18-91] [1987 Code of Ordinances §2.3-4.12(9B)(sic)]

21.0113.10 Access.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(10)(sic)]

21.0113.10(A) Performance requirements. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties and the building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows). Every sleeping room below the fourth story shall have at least one operable window with a finished sill height of not more than forty-four (44) inches above the floor or an exterior door approved for emergency egress or rescue.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(10A)(sic)]

21.0113.11 Site and Neighborhood.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(11)(sic)]

21.0113.11(A) Performance Requirements. The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or man made, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides, abnormal air pollution, smoke or dust, excessive noise, vibration or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(11A)(sic)]

21.0113.12 Sanitary Condition.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(12)(sic)]

21.0113.12(A) Performance Requirement. The unit and its equipment shall be in sanitary condition.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(12A)(sic)]

21.0113.12(B) Acceptability Criteria. The units and its equipment shall be free of vermin and rodent infestation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(12B)(sic)]

21.0113.13 Early Warning Fire Protection System.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(13)(sic)]

21.0113.13(A) Performance Requirement. The owner shall provide and maintain smoke detectors for each rental dwelling unit and room unit. If the smoke detector within an individual dwelling unit or rooming unit requires routine replacement of batteries for proper operation, the owner or operator may require the tenant of the dwelling unit or rooming unit to be responsible for such. In this event, the owner or operator shall adequately notify the tenant of this responsibility. Smoke detectors located in common areas of multiple dwellings or rooming houses, such as stairways, corridors and basements shall be maintained by the owner or operator of the dwelling. No person shall alter or tamper with a smoke detector or otherwise interfere with its operating characteristics.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(13A)(sic)]

21.0113.13(B) Acceptability Criteria. All dwelling units shall be provided with smoke detectors as approved by the housing inspector. The detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Smoke detectors hereafter installed in areas where sleeping rooms are on an upper level shall be placed above the stairway. All detectors shall be located according to the manufacturers directions. Care shall be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm for the dwelling unit or rooming unit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(13B)(sic)]

21.0113.14 Additional Provisions for multiple dwellings and rooming houses containing more than four (4) persons not related to the owner or operator by blood, marriage or legal adoption.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14)(sic)]

21.0113.14(A) Performance Requirement. All multiple dwellings and rooming houses shall comply to the fire safety rules provided for in section 680-5.803(100) of the Iowa Administrative Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14A)(sic)]

21.0113.14(B) Acceptability Criteria.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B)(sic)]

21.0113.14(B)(1) Exits. Each living unit and rooming unit shall have access to at least two separate exits which are remote from each other and are reached by travel in different directions, except that a common path of travel may be permitted for the first twenty (20) feet; that is, a dead-end corridor serving apartments may be permitted not to exceed twenty (20) feet in length.

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21.0113.14(B)(2) Exception No. 1. Each living unit or rooming unit which has an exit directly to the street or yard at ground level or by way of an outside stairway or an enclosed stairway with fire resistance rating of one (1) hour or more serving that unit only and not communicating with any floor below the level of exit discharge or other area not a part of the unit served may have a single exit.

21.0113.14(B)(3) Exception No. 2. A building of any height with not more than four (4) dwelling or rooming units per floor with a smoke proof tower or outside stair as the exit, immediately accessible to all units served thereby, may have a single exit. ("Immediately accessible" means a travel distance of twenty (20) feet maximum from the door of a unit to the door of an open-air vestibule or balcony leading to a smoke proof tower.)

21.0113.14(B)(4) Exception No. 3. Any building three (3) stories or less in height with no floor below the level of exit discharge, or, in case there is such a floor, with the street floor construction of at least one (1) hour fire resistance may have a single exit, under the following conditions:

The stairway is completely enclosed with a partition having a fire resistance rating of at least one (1) hour with self-closing 3/4 hour fire protection rated doors protecting all openings between the stairway enclosure and the building.

The stairway does not serve any floor below the level of exit discharge.

All corridors serving as access to exits have at least a one (1) hour fire resistance rating.

There is not more than twenty (20) feet of travel distance to reach an exit from the entrance door of any dwelling unit or rooming unit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B1)(sic)]

21.0113.14(C) Protection of Vertical Openings.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B2)(sic)]

21.0113.14(C)(1) All stairways, elevator shafts and other vertical openings shall be enclosed or protected with material equal to one-hour, fire resistive construction. All required exit stairs which are located so that it is necessary to pass through the lobby or other open space to reach the outside of the building shall be continuously enclosed down to the lobby level. In lieu of protecting vertical openings, the owner may elect to install a detection and alarm system approved by the housing inspector.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B2a)(sic)]

21.0113.14(C)(2) Unprotected vertical openings may be permitted in fire resistive buildings with Class A finish, or in sprinklered buildings, not to exceed two floors. This paragraph is to permit open stairways from the lobby to the mezzanine level or open stairs from the lobby to basement areas used for hotel purposes.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B2b)(sic)]

21.0113.14(C)(3) Wire glass, not to exceed nine hundred (900) square inches in any single frame, may be used in stairway doors.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B2c)(sic)]

21.0113.14(C)(4) All doors to stairway enclosures shall be protected by a fire assembly having a one-hour fire protection rating and shall be a self-closing type.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B2d)(sic)]

21.0113.14(D) Interior Finish. The exit ways, lobbies, public assembly meeting rooms and corridors shall have Class A interior finish. Class A finish shall mean the use of materials having a flame spread of less than 25 as rated by the National Board of Underwriters Laboratories.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B3)(sic)]

21.0113.14(E) Exit Lighting and Signs. All apartment buildings two (2) or more stories high and having more than ten (10) apartment units shall have corridor and exit signs. The illumination of corridor and exit signs shall be such that people of normal vision can move freely and the exit signs shall be legible at all times from any common corridor area.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B4)(sic)]

21.0113.14(F) Hazardous Occupancies. Hazardous occupancies in apartment buildings, such as boiler rooms, utility rooms and general storage areas, shall be protected by walls and fire doors constructed of materials providing at least a minimum of one-hour fire rating. In lieu of this protection, a detection and alarm system approved by the housing inspector shall be provided.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B5)(sic)]

21.0113.14(G) Fire Protection Equipment and Devices. Approved type fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants and spaced so that no person will have to travel more than seventy-five (75) feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in areas that constitute a special hazard. Type and number of portable fire extinguishers shall be determined by the housing inspector. As an alternative, each multiple dwelling unit may be equipped with a fire extinguisher having a 2A rating to be provided by the owner and maintained by the tenant.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.12(14B6)(sic)]

21.0114 DESIGNATION OF UNFIT DWELLING AND LEGAL PROCEDURES OF CONDEMNATION. No person shall let to another for occupancy any rental dwelling or rental unit for the purpose of living, sleeping, cooking or eating thereon which does not comply with the following requirements:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13]

21.0114.1 Unfit for Human Habitation. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the housing inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(1)]

21.0114.1(A) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(1A)]

21.0114.1(B) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(1B)]

21.0114.1(C) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(1C)]

21.0114.2 Vacated Immediately. Any dwelling or dwelling unit, or any portion thereof, condemned as unfit for human habitation and so designated and placarded by the housing inspector shall be vacated immediately as ordered by the housing inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(2)]

21.0114.3 Elimination of Defects. No dwelling or dwelling unit, or portion thereof, which has been condemned and placarded as unfit for human habitation, shall again be used for human habitation until written approval is secured from, and such placard is removed by, the housing inspector. The housing inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(3)]

21.0114.4 Deface or Remove Placard. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in §21.0114.3 above.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(4)]

21.0114.5 Appeal. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request, and shall be granted, a hearing on the matter before the housing appeals board under the procedure set forth in §21.0112 of this article.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.13(5)]

21.0115 PENALTIES AND REMEDIES. Violation of the provisions of this chapter shall constitute a simple misdemeanor subject to the penalty provided in §1.0109, Code of Ordinances, or in the alternative to the provisions of the subsection above, the council may institute civil proceedings to obtain injunctive and declaratory relief or such other orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of the Minimum Housing Code of the City of Newton, Iowa, as amended.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-4.14]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 22, SWIMMING POOLS**

22.0101 **DEFINITIONS.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.01]

22.0101.1 **"Aboveground Swimming Pool":** shall mean a swimming pool installed on the surface of the ground and without excavation.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.01(1)]

22.0101.2 **"Pool Depth":** shall mean the distance between the floor of the swimming pool and the maximum operating water level.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.01(2)]

22.0101.3 **"Swimming Pool":** shall mean any constructed or prefabricated receptacle used for swimming or bathing which has a minimum depth of eighteen (18) inches or more and is located in a residential zoning district.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.01(3)]

22.0102 **PERMIT REQUIRED.** No person shall construct a swimming pool or any alteration, addition, remodeling or other improvement to such pool without a permit therefor, nor maintain such pool contrary to the provisions of this chapter. Such person shall make application to the building department for a permit to construct such pool. The plans and specifications of the manufacturer or builder of the proposed pool and the plot plan showing setbacks, side yards, and clearance from existing structures adjacent to the pool area shall be submitted with each application. If such plans meet the requirements of this chapter and the city building, plumbing and electrical regulations, and a permit fee is paid by the applicant according to the schedule as set out in the Uniform Building Code, as adopted, the building department shall issue a building permit.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.02]

22.0103 **LINING MATERIALS.** The material used for lining swimming pools shall be one which is light in color, impervious and will provide a tight tank with smooth and easily cleaned surfaces. Sand or dirt bottoms are prohibited.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.03]

22.0104 **PLUMBING CODE.** All cross connections between the city water supply or the sewer system and the plumbing of a swimming pool shall be constructed in accordance with the city Plumbing Code.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.04]

22.0105 **ENCLOSURE REQUIRED.** Every outdoor swimming pool, except all aboveground swimming pools with sides extending not less than four feet in height above the surface of the ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height and at least four (4) feet from each side of the pool. Such fence or wall, and the sides of any aboveground pool exempted herein, shall be approved by the building department to be non-climbable and constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between fence posts.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.05]

22.0106 **GATES, DOORS AND LADDERS.** All enclosure gates or doors immediately opening to the swimming pool shall be equipped with a self-closing and self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use. All ladders or step apparatus used for access to any aboveground pool exempted from §22.0105 enclosure requirements shall be removed when the pool is not in actual use.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.06]

22.0107 **EXISTING POOLS; TIME FOR COMPLIANCE.** The requirements for enclosure and a gate or door shall be applicable to swimming pools heretofore constructed unless waived in writing by the building department upon application by the pool owner. The owners of such pools shall have sixty (60) days from and after August 7, 1972 to comply with such requirements.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-5.07]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 23 MOVING BUILDINGS**

23.0101 **PURPOSE.** The purpose of this chapter is to protect and preserve the public safety and well being by licensing and regulating house and building movers.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.01] [Code of Iowa, §364.12(2)]

23.0102 **DEFINITIONS.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.02]

23.0102.1 **Building:** shall mean a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure not measuring over eight (8) feet in width nor over ten (10) feet in height when loaded and ready for moving shall not be included in this definition.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.02(1)]

23.0102.2 **Building Inspector:** shall mean the building inspector of the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.02(2)]

23.0102.3 **House Mover:** shall mean any person who undertakes to move a building or similar structure upon, over or across the public streets, alleys, walks or property, using skids, jacks, dollies or any method other than upon a properly licensed motor vehicle.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.02(3)]

23.0103 **PERMIT REQUIRED.** No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the building inspector.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.03]

23.0104 **APPLICATION FOR PERMIT.** A person seeking issuance of a permit required by the preceding section shall file an application for such permit with the building inspector.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04]

23.0104.1 **Form.** The application shall be made in writing upon forms provided by the building inspector and shall be filed in the office of the building inspector.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(1)]

23.0104.2 **Contents.** The application shall set forth:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2)]

23.0104.2(A) A description of the building proposed to be moved, giving street numbers, construction materials, dimensions, number of rooms and the condition of the exterior and interior.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2A)]

23.0104.2(B) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2B)]

23.0104.2(C) A legal description of the lot to which it is proposed such building be removed, giving lot, block, and tract number, if located in the City.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2C)]

23.0104.2(D) The portion of the lot to be occupied by the building when moved.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2D)]

23.0104.2(E) The highways, streets and alleys over, along or across which the building is proposed to be moved.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2E)]

23.0104.2(F) Proposed moving date and hours.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2F)]

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23.0104.2(G) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should be issued.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.04(2G)]

23.0105 BUILDING PERMIT. No permit to move a building shall be issued without a building permit having first been issued.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.05]

23.0106 BOND REQUIRED. Any person filing an application for a house moving permit shall file with the building inspector a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the state in the amount of two thousand dollars (\$2,000.00) conditioned upon the assurance that this Code and other applicable laws will be complied with. Such bond shall run to the city for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment for any damages or losses resulting from any malfeasance, misfeasance, nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

A cashier's check or certified check payable to the city may be substituted for the bond required by this section, said check to be held by the city clerk for the same purposes as specified for a bond.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.06]

23.0107 PERMIT FEE. The application for a house moving permit shall be accompanied by a permit fee in such amount as shall be specified by resolution of the council. The building inspector shall deposit all fees, deposits and bonds with the city clerk.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.07]

23.0108 PERMIT DENIED. The building inspector shall refuse to issue a permit if the building inspector finds:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08]

23.0108.1 Application Requirements. That any application requirement for any fee or deposit required has not been complied with.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(1)]

23.0108.2 Excess Height or Width. That the building, when loaded for moving, is or will be over twenty-four (24) feet in height, or of a width in excess of the clearance provided by trees, utility poles or other obstacles in the street or adjacent to the street along the route proposed.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(2)]

23.0108.3 Structurally Unsafe. That the building is in such a state of deterioration or disrepair or otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(3)]

23.0108.4 Unfit. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(4)]

23.0108.5 Unsafe Equipment. That the applicant's equipment is unsafe and that persons and property would be endangered by its use.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(5)]

23.0108.6 Zoning. That zoning or other laws would be violated by the building in its new location.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.08(6)]

23.0109 PERMIT ISSUED. The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met. If all such standards are met, the permit shall be issued according to the terms prescribed by the building inspector.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.09]

23.0110 ROUTE DESIGNATED. The building inspector shall procure from the street department a list of designated streets over which the building may be moved. The building inspector shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations, the street department and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

Every permittee under this chapter shall move buildings only over streets designated for such use in the written permit.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.10]

23.0111 NOTICE OF CHANGE IN MOVING TIME OR DAY. Every permittee under this chapter shall notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.11]

23.0112 NOTICE OF DAMAGE. Every permittee under this chapter shall notify the building inspector in writing of any and all damage done to property belonging to the city or persons other than the permittee within twenty-four (24) hours after the damage or injury has occurred.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.12]

23.0113 BARRICADES, LIGHTS AND OTHER WARNINGS. Every permittee under this chapter shall cause red lights to be displayed during the nighttime on every side of the building while standing on a street in such a manner as to warn the public of the obstruction. Every permittee shall at all times erect and maintain barricades across the street in such manner as to protect the public from damage or injuries by reason of the removal of the building.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.13]

23.0114 REMOVAL OF BUILDING FROM STREET. Every permittee under this chapter shall remove the building from the city streets after three days of such occupancy, unless an extension is granted by the mayor.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.14]

23.0115 OTHER APPLICABLE REGULATIONS. Every permittee under this chapter shall comply with the Building Code, the fire zone, the zoning laws and all other applicable laws upon relocating the building in the city.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.15]

23.0116 POLICE ESCORT - COSTS. Every permittee under this chapter shall pay the expenses of the traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.16]

23.0117 UTILITY SERVICES. Every permittee under this chapter shall see that the sewer line is plugged with a concrete stopper, the water shut off at the water main and the meter returned to the city water office. The permittee shall notify the gas and electric service companies to remove their services.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.17]

23.0118 CLEARING AND GRADING. Every permittee under this chapter shall remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.18]

23.0119 CLEAN-UP BY CITY. The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition where the permittee does not comply with the requirements of this chapter. The cost of such work shall be charged against the permittee's bond.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.19]

23.0120 ENFORCEMENT OFFICER. The building inspector shall enforce and carry out the provisions of this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.20]

23.0121 PERMITTEE LIABLE. The permittee shall be liable for any expense, damages, or costs incurred by the city or persons other than the permittee as a proximate result of acts of the permittee in removal of the building. The permittee's bond shall be available for the recovery of such expense, damages or costs.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §2.3-6.21]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24 SEWAGE AND SEWAGE DISPOSAL
ARTICLE 1, USE OF PUBLIC SEWERS REQUIRED**

24.0101 UNLAWFUL ACTS.

24.0101.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Newton or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0101]

24.0101.2 It shall be unlawful to discharge to any natural outlet within the City of Newton 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0102]

24.0101.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0103]

24.0102 CONNECTION TO PUBLIC SEWER REQUIRED. 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 any public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the following provisions of this chapter, provided that said public sewer is within four hundred (400) feet of the property line.
[Ord. No. 1550 Eff. Date 11-06-87] [1987 Code of Ordinances §3-3.0104]

24.0102.1 Connection to the public sewer will be a required condition for issuance of a building permit for new construction or reconstruction that materially alters the building footprint.
[Ord. No. 1550 Eff. Date 11-06-87]

24.0102.2 Private sewer disposal systems will be required to connect to the public sewer system when one of the following conditions are met:
[Ord. No. 1550 Eff. Date 11-06-87]

24.0102.2(A) Property ownership transfers.
[Ord. No. 1550 Eff. Date 11-06-87]

24.0102.2(B) Major repairs to the private system are required to meet Jasper County Department of Health regulations. Major repairs are defined as repair and/or replacement of the lateral absorption system or the septic tank.
[Ord. No. 1550 Eff. Date 11-06-87]

24.0103 PRIVATE SEWAGE DISPOSAL SYSTEMS. Where a public sanitary sewer is not available in accordance with §24.0104 above, the building sewer shall be connected to a private sewage disposal system approved by the Jasper County Department of Health. When a public sanitary sewer becomes available, the building sewer shall be connected to said public sewer as required in §24.0102. Private sewage disposal systems within the City of Newton may be inspected annually by the Jasper County Department of Health. If said inspection determines that repairs are required, said repairs will be completed immediately in accordance with this chapter.
[Ord. No. 1550 Eff. Date 11-06-87] [1987 Code of Ordinances §3-3.0105]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 2, DEFINITIONS**

24.0201 **PURPOSE.** Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

24.0202 **FEDERAL GOVERNMENT.**
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0201]

24.0202.1 **Federal Act:** shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243), and any other amendments to said public laws.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0201(1)]

24.0202.2 **Administrator:** shall mean the administrator of the U. S. Environmental Protection Agency.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0201(2)]

24.0202.3 **Federal Grant:** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0201(3)]

24.0203 **STATE GOVERNMENT.**
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0202]

24.0203.1 **State Act:** shall mean the Code of Iowa, Section 445B et. seq.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0202(1)]

24.0203.2 **Director:** shall mean the director of the Iowa Department of Natural Resources.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0202(2)]

24.0203.3 **State Grant:** shall mean the State of Iowa participation on the financing of the construction of treatment works as provided for by the Code of Iowa.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0202(3)]

24.0204 **LOCAL GOVERNMENT.**
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0203]

24.0204.1 **Ordinance:** shall mean this chapter or any amendment thereto.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0203(1)]

24.0204.2 **City:** shall mean the City of Newton.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0203(2)]

24.0204.3 **Authorized City Representative:** shall mean the city administrator or a designated representative.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0203(3)]

24.0205 **PERSON:** shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0204]

24.0206 **NPDES PERMIT:** shall mean any permit or equivalent document or requirements issued by the administrator, or, where appropriate by the director after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0205]

24.0207 **CLARIFICATION OF WORD USAGE.** "Shall is mandatory: "may" is permissible.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0206]

24.0208 WASTEWATER AND ITS CHARACTERISTICS.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207]

24.0208.1 Wastewater: shall mean the spent water of a community. From this standpoint, of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(1)]

24.0208.2 Sewage: is used interchangeably with "wastewater."

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(2)]

24.0208.3 Effluent Criteria: are defined in any applicable "NPDES Permit."

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(3)]

24.0208.4 Water Quality Standards: are defined in the Iowa Administrative Code, Chapter 16.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(4)]

24.0208.5 Unpolluted Water: is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(5)]

24.0208.6 ppm: shall mean parts per million by weight.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(6)]

24.0208.7 Milligrams per Liter: shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(7)]

24.0208.8 Suspended Solids: shall mean solids that either float on the surface of, or are in suspension in, water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(8)]

24.0208.9 BOD (denoting Biochemical Oxygen Demand): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(9)]

24.0208.10 pH: shall mean the logarithms (Base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods."

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(10)]

24.0208.11 Standard Methods: shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(11)]

24.0208.12 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(12)]

24.0208.13 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 in any dimension.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(13)]

24.0208.14 Floatable Oil: is oil fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(14)]

24.0208.15 **Population Equivalent:** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds (200 mg/L) of BOD, 0.20 pounds (240 mg/L) of suspended solids, and 0.04 pounds (50 mg/L) of ammonia-nitrogen (NH₃-N).

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(15)]

24.0208.16 **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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(16)]

24.0208.17 **Industrial Waste:** shall mean any liquid, solid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(17)]

24.0208.18 **Major Contributing Industry:** shall mean an industrial user of the publicly-owned treatment works that:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(18)]

24.0208.18(A) Has a flow of 50,000 gallons or more per average work day; or

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(18A)]

24.0208.18(B) Has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(18B)]

24.0208.18(C) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(18C)]

24.0208.18(D) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0207(18D)]

24.0209 **SEWER TYPES AND APPURTENANCES.**

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208]

24.0209.1 **Sewer:** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(1)]

24.0209.2 **Public Sewer:** shall mean a sewer provided by or subject to the jurisdiction of the city of Newton. It shall also include sewers within or outside the corporate boundary that serve one or more persons and ultimately discharge into the city sanitary sewers, even though those sewers may not have been constructed with city funds.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(2)]

24.0209.3 **Sanitary Sewer:** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(3)]

24.0209.4 **Storm Sewer:** shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(4)]

24.0209.5 **Combined Sewer:** shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(5)]

24.0209.6 Building Sewer: shall mean the extension from the building drain to the public sewer or other place of disposal.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(6)]

24.0209.7 Building Drain: shall mean that part of the lowest 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 or other approved point of discharge, beginning two (2) feet outside the building wall.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(7)]

24.0209.8 Stormwater Runoff: shall mean that portion of the precipitation that is drained into the sewers.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(8)]

24.0209.9 Sewerage: shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(9)]

24.0209.10 Easement: shall mean an acquired legal right for the specific use of land owned by others.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0208(10)]

24.0210 TREATMENT.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0209]

24.0210.1 Pretreatment: shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0209(1)]

24.0210.2 Wastewater Treatment Works: shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant."
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0209(2)]

24.0211 WASTEWATER FACILITIES: shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0210]

24.0212 WATERCOURSE AND CONNECTIONS.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0211]

24.0212.1 Watercourse: shall mean a channel in which a flow of water occurs, either continuously or intermittently.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0211(1)]

24.0212.2 Natural Outlet: shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0211(2)]

24.0213 USER TYPES
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0212]

24.0213.1 User Class: shall mean the type of user either "residential or commercial (non-industrial) or "industrial" as defined herein.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0212(1)]

24.0213.2 Residential or Commercial or Nonindustrial: user shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0212(2)]

24.0213.3 Industrial User: shall mean any non-governmental user of publicly-owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

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Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas and Sanitary Services

Division I - Services

A user in the divisions listed may be excluded if it is determined by the authorized city representative that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0212(3)]

24.0213.4 Control Manhole: shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the authorized city representative to sample and/or measure discharges.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0212(4)]

24.0214 TYPES OF CHARGES.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213]

24.0214.1 Wastewater Service Charge: shall be the charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Article 7 and shall consist of a total of the basic user charge, the local capital financing charge, and a surcharge, if applicable.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(1)]

24.0214.2 User Charge: shall mean a charge levied on users of treatment works for the cost of operation and maintenance including replacement.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(2)]

24.0214.3 Basic User Charge: shall mean the basic assessment levied on all users of the public sewer system.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(3)]

24.0214.4 Local Capital Financing Charge: shall be the amount to be paid each billing period for payment of interest, principal, and coverage of (loan, bond, etc.) outstanding.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(4)]

24.0214.5 Surcharge: shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Article 4.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(5)]

24.0214.6 Replacement: shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(6)]

24.0214.7 Useful Life: shall mean the estimated period during which the collection system and/or treatment works will be operated.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(7)]

24.0214.8 Sewer and Wastewater Fund: is the principal accounting designation for all revenues received in the operation of the sewerage system and wastewater treatment works.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0213(8)]

**TITLE 2, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 3, BUILDING SEWERS AND CONNECTIONS**

24.0301 PERMIT REQUIRED. No 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 authorized city representative.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0301]

24.0302 UNLAWFUL DISPOSAL. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal standards promulgated pursuant to the federal act and more stringent State and local standards.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0302]

24.0303 CLASSES OF PERMITS. There shall be two (2) classes of building sewer permits:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0303]

24.0303.1 For residential and commercial service, and

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0303(1)]

24.0303.2 For service to establishments producing industrial wastes.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0303(2)]

In either case, the owner or the owner's agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the authorized city representative. A sewer connection charge and/or inspection fee as established by the city for a building sewer permit shall be paid to the city at the time the application is filed. An industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0303]

24.0304 CONNECTION PROHIBITED. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0304]

24.0305 COSTS. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0305]

24.0306 SEPARATE CONNECTIONS. 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0306]

24.0307 EXISTING BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authorized city representative to meet all requirements of this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0307]

24.0308 CONSTRUCTION STANDARDS. 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 American Society of Testing Materials, Water Environment Federation Manual of Practice No. 9, and Chapter 12 - Iowa Standards for Sewer Systems, shall apply.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0308]

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24.0309 LIFT REQUIRED. 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 appropriate means in accordance to the local Plumbing Code and discharged to the building sewer.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0309]

24.0310 RUNOFF OR GROUNDWATER PROHIBITED. No person(s) 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0310]

24.0311 CONNECTION SPECIFICATIONS. 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 American Society of Testing Materials, Water Environment Federation Manual of Practice No. 9, and Chapter 12, Iowa Standards for Sewer Systems. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the authorized city representative before installation.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0311]

24.0312 INSPECTION REQUIRED. The applicant for the building sewer permit shall notify the authorized city representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the authorized city representative.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0312]

24.0313 EXCAVATIONS. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0313]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 4, PUBLIC SEWER REGULATIONS**

24.0401 PROHIBITED DISCHARGE. 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0401]

24.0401.1 Sump Pump Inspection Program: All improved properties that will have recorded at the County Recorder's Office a transfer of title or a change in the possessor of the property shall, within 90 days of the aforementioned, allow the City of Newton to conduct a Sump Pump Inspection in accordance with the rules, regulations and fees as established by the City of Newton City Council by Resolution. Enforcement of the Sump Pump Inspection Program shall be by municipal infraction. [Ord. No. 1988 Eff. Date 01-01-01]

24.0402 STORMWATER-COOLING WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the authorized city representative. Industrial cooling water or unpolluted process waters may be discharged on approval of the authorized city representative to a storm sewer, combined sewer, or natural outlet.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0402]

24.0403 PROHIBITED WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0403]

24.0403.1 Flammables. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0403(1)]

24.0403.2 Toxic or Poisonous Waste. 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0403(2)]

24.0403.3 Corrosive Wastes. 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 sewerage system and wastewater treatment works.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0403(3)]

24.0403.4 Solid or Viscous Substances. 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 sewerage system and wastewater treatment works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0403(4)]

24.0404 RESTRICTED WASTE. 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 authorized city representative 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 the authorized representative's opinion as to the acceptability of these wastes, the authorized representative will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment works, degree of treatability of wastes in the wastewater treatment works and maximum limits established by regulatory agencies. The substances prohibited are:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404]

24.0404.1 High Temperatures. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(1)]

24.0404.2 Oily/Toxic Wastes. Any waters or wastes containing toxic or poisonous materials; 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 degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C)
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(2)]

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24.0404.3 Garbage. Any garbage that has been properly shredded. The installation and operation of a garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of authorized city representative.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(3)]

24.0404.4 Acids. Any waters or wastes containing strong acid, iron pickling waste, or concentrated plating solutions, whether neutralized or not.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(4)]

24.0404.5 Plant Design Limit. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such materials received in the composite sewage at the sewage treatment works exceeds the limits established by the authorized city representative for such materials.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(5)]

24.0404.6 Odor or Taste. Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the authorized city representative as necessary after treatment of the composite sewage, to meet the requirements of the state, federal and other public agencies of jurisdiction for such discharge into the receiving waters.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(6)]

24.0404.7 Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the authorized city representative in compliance with applicable state or federal regulations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(7)]

24.0404.8 Excess pH. Any waters or wastes having a pH in excess of 9.5.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(8)]

24.0404.9 Mercury. Any mercury or any of its compounds in excess of 0.0005 mg/L as Hg at any time except as permitted by the authorized city representative in compliance with applicable state or federal regulations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(9)]

24.0404.10 Cyanide. Any cyanide in excess of 0.025 mg/L at any time except as permitted by the authorized city representative in compliance with applicable state and federal regulations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(10)]

24.0404.11 Materials which exert or cause:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(11)]

24.0404.11(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);

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(11A)]

24.0404.11(B) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution);

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(11B)]

24.0404.11(C) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(11C)]

24.0404.11(D) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(11D)]

24.0404.12 Untreatable Waste. 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 wastewater treatment works effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(12)]

24.0404.13 Excessive Load. Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight; or (2) containing more than 350 parts per million by weight of suspended solids; or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city; or (4) having wastewater concentrations greater than normal as determined by sampling and testing of a user's wastewater discharge, shall be subject to the review of the authorized city representative. Where necessary in the opinion of the authorized city representative, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight; or (2) reduce the suspended solids to 350 parts per million by weight; or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the authorized city representative and no construction of such facilities shall be commenced until said approvals are obtained in writing.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0404(13)]

24.0405 POWERS OF CITY. 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 §§24.0401, 24.0103 & 24.0404 of this article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, Subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the authorized city representative have a deleterious effect upon the sewerage system and wastewater treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life, shall constitute a public nuisance. The authorized city representative may:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405]

24.0405.1 Rejection. Reject the wastes;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405(1)]

24.0405.2 Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405(2)]

24.0405.3 Controlled Discharge. Require control over the quantities and rates of discharge;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405(3)]

24.0405.4 Added Cost. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of §24.0411 of this article; and/or
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405(4)]

24.0405.5 Prohibit. Order the condition to be abated as a public nuisance through the procedures set forth for such action.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405(5)]

If the authorized city representative 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 authorized city representative and subject to the requirements of all applicable codes, ordinances and laws.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0405]

24.0406 INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the authorized city representative, 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 authorized city representative, and shall be located as to be readily and easily accessible for cleaning and inspection.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0406]

24.0407 MAINTENANCE OF PRE-TREATMENT OR FLOW DEVICES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0407]

24.0408 CONTROL MANHOLE REQUIRED. Each industry shall be required to install a control manhole and, when required by the authorized city representative, 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 authorized city representative. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0408]

24.0409 MEASUREMENT & TESTS REQUIRED. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the city or regulatory agencies having jurisdiction over the discharge .

The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the city, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such manner as prescribed by the city. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary, the city reserves the right to take measurements and samples for analysis by an outside laboratory service.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0409]

24.0410 METHOD OF TESTING & MEASUREMENT. 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" 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 sewerage system and wastewater treatment works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites from all outfalls, whereas pH's are determined from periodic grab samples.)

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0410]

24.0411 SPECIAL AGREEMENTS. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, in accordance with any resolution establishing special rates and charges passed by the city council, provided such payments are in accordance with federal and state guidelines for user charge system.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0411]

24.0412 INCREASED INDUSTRIAL LOADS. Any industry desiring to introduce wastes into the sewer system, which is not doing so as of the effective date of this chapter, or any industry desiring to expand in a manner which will increase their discharge of waste, or will change the nature of the waste discharged into the sewer system shall submit to the authorized city representative a report of the amount and character of waste proposed to be discharged into the sewer, said report shall be submitted at least sixty (60) days prior to the first date of discharge into the sewers.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0412]

TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 5, PROTECTION OF SEWERAGE SYSTEM AND WASTEWATER TREATMENT WORKS FROM
DAMAGE

24.0501 DAMAGE PROHIBITED. No person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewerage system and wastewater treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0501]

TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 6, POWERS AND AUTHORITY OF INSPECTORS

24.0601 ENTRY AUTHORIZED. The authorized city representative and other duly authorized employees of the city, the Iowa Department of Natural Resources, and the U. S. Environmental Protection Agency, 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 authorized city representative or other persons noted above shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0601]

24.0602 INDEMNIFICATION. While performing the necessary work on private properties referred to in §24.0601 of this article, the authorized city representative or duly authorized employees of the city, the Iowa Department of Natural Resources, and the U. S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company which are not in conflict with their regulatory duties and the company shall be held harmless for injury or death to the city employees or other persons noted above and the city, Iowa Department of Natural Resources, and the U. S. Environmental Protection Agency shall indemnify the company against loss or damage to its property by city employees or other persons noted above 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 §24.0408.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0602]

24.0603 USE OF EASEMENTS. The authorized city representative 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 sewerage system and wastewater treatment 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. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0603]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 7, WASTEWATER SERVICE CHARGES**

24.0701 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement and local capital financing charge and a surcharge, if applicable.

24.0701.1 Local Capital Financing Charge. The local capital financing charge portion of the sewer user charge shall be computed by dividing five-eighths (5/8) or 62-1/2% of the annual debt service and other local capital financing costs by the water usage and recorded by water meters and/or sewage meters for wastes having normal domestic wastewater concentrations. In addition, one-eighth (1/8) or twelve and one-half percent (12-1/2%) of the annual debt service and other local capital financing costs shall be divided by the number of connections to the sewer system. These two portions shall be combined with the basic user charge. The remaining one-fourth (1/4) or 25% of the capital cost of the system shall be raised through property taxation or any other legal means afforded the city at the option of the city council.

24.0701.2 Basic User Charge.

24.0701.2(A) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic wastewater concentrations:

24.0701.2(A)(1) A five day, 20 degree centigrade (20° C) biochemical oxygen demand (BOD) of 200 mg/L.

24.0701.2(A)(2) A suspended solids (SS) content of 240 mg/L

24.0701.2(A)(3) An ammonia-nitrogen (NH₃-N) content of 50 mg/L.

24.0701.2(B) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

24.0701.2(B)(1) Estimate wastewater characteristics by volume, pounds of SS, pounds of BOD, pounds of NH₃-N to be treated, and customer bills to be sent.

24.0701.2(B)(2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year for all works categories.

24.0701.2(B)(3) Proportion the estimated costs to wastewater facility categories by volume, SS, BOD, ammonia-nitrogen (NH₃-N), and customer.

24.0701.2(B)(4) Develop unit rates for volume, BOD, SS, and NH₃-N by dividing estimated costs in 24.0701.2(B)(3) by estimated wastewater characteristics in 24.0701.2(B)(1).

24.0701.2(B)(5) Compute costs per 100 cu. ft. for normal domestic wastewater.

24.0701.2(B)(6) Compute surcharge factor for multiplying time costs per 100 cu. ft. for BOD, SS, and NH₃-N in excess of normal domestic wastewater.

[Ord. No. 1662 Eff. Date 01-11-91] [1987 Code of Ordinances §3-3.0701]

24.0702 CONNECTION CHARGE. A sewer connection charge shall be assessed for each new, replaced or altered building sewer that is connected to the public sanitary sewer system. The sewer connection charge shall be made up of a capital cost recovery fee and an inspection fee. The capital cost recovery fee shall be assessed to those making direct use of those public sewers constructed by the city whose capital cost was funded all or in part by federal and/or state grant programs. The inspection fee shall be charged to all making connections, reconnections or alterations to the public sewer system.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0702]

24.0703 REVIEW AND REVISION OF CHARGES. The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service and other local capital financing costs or a change in operation and maintenance costs including replacement costs.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0703]

24.0704 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and local capital financing charges shall be the metered water consumption read to the lowest even increment of 1,000 gallons or 100 cubic feet.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0704]

24.0704.1 If the person discharging wastes into the public sewers procures any part, or all, of that water from sources other than the Newton municipal water department, all or a part of which is discharged into the public sewers, the person shall install and maintain, at the person's expense, water meters of a type approved by the authorized city representative for the purpose of determining the volume of water obtained from these other sources.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0704(1)]

24.0704.2 Devices for measuring the volume of waste discharged may be required by the authorized city representative if these volumes cannot otherwise be determined from the metered water consumption records.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0704(2)]

24.0704.3 Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the authorized city representative.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0704(3)]

24.0705 CHARGES TAKE PRECEDENCE. The wastewater service charges established herein shall take precedence over any terms or conditions of agreements or contracts between the city and users which are inconsistent with the requirements of §204(b)(1)(a) of the Federal Act and the corresponding regulations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0705]

24.0706 UNIT RATES ESTABLISHED. "Unit rates for wastewater service shall be assessed to all customers and users of the wastewater facilities as described hereinafter, in accordance with the Wastewater Rate Study and Sewer Use Ordinance, by Stanley Consultants, Inc., dated July 1983, which is on file at the City of Newton Water Pollution Control Plant, at 1915 East 5th Street South, Newton, Iowa 50208."

[Ord. No. 1691 Eff. Date 09-09-91] [1987 Code of Ordinances §3-3.0706]

24.0706.1 Local Capital Financing Charge:

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.1(A) Customer: \$1.582 per bill.

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.1(B) Volume \$0.430 per 100 cu. ft. or \$0.576 per 1,000 gallons

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.1(C) BOD: \$0.093 per pound

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.1(D) Suspended Solids \$0.093 per pound

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.1(E) Ammonia-Nitrogen \$0.712 per pound

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2 Basic User Charge:

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2(A) Customer: \$0.967 per bill

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2(B) Volume: \$0.375 per 100 cu. ft. or \$0.500 per 1,000 gallons

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2(C) BOD: \$0.171 per pound

[Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2(D) Suspended Solids: \$0.201 per pound
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.2(E) Ammonia-Nitrogen: \$1.550 per pound
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3 **Wastewater service charges shall be based on the addition of the local capital financing charge and the basic user charge:**
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3(A) Customer: \$2.55 per bill
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3(B) Volume: \$0.806 per 100 cu. ft. or \$1.076 per 1,000 gallons
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3(C) BOD: \$0.264 per pound
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3(D) Suspended Solids: \$0.294 per pound
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.3(E) Ammonia-Nitrogen \$2.262 per pound
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.4 **The wastewater service charge** for normal domestic wastewater shall be \$2.28 per 100 cubic feet or \$3.05 per 1,000 gallons plus \$2.55 per bill for customer charge. This rate combines unit rates for volume, BOD, suspended solids and ammonia-nitrogen. The per bill for customer charge amount shall be reduced by \$0.06 upon retirement of the Sewer Revenue Finance Loan authorized in Resolution No. 2002-028.
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.5 **A minimum charge** shall be \$7.11 per customer for each month or fraction thereof. This minimum charge includes unit rates and customer charge for up to a minimum quantity of 200 cubic feet per month for normal domestic wastewater.
 [Ord. No. 2086.Eff. Date 05-01-06]

24.0706.6 **A surcharge factor** shall be levied for the following customers whose wastewaters exceed normal domestic wastewater:

| <u>Customer Type</u> | <u>Surcharge Factor</u> |
|--|-------------------------|
| Laundry, including industrial laundries, commercial laundries, and laundromatic. | 1.2 |
| Car washes | 1.3 |
| Restaurants--including quick serve and sit-down types | 1.6 |
| Bakeries | 1.4 |
| Nursing Homes | 1.6 |

[Ord. No. 1834 Eff. Date 04-23-96] [1987 Code of Ordinances §3-3.0706(6)]

24.0706.7 **Sewer Connection Charge:**
 [Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0706(7)]

24.0706.7(A) Inspection Fee: As determined by the City Plumbing Code.
 [Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0706(7A)]

24.0706.7(B) Capital Cost Recovery Fee: \$200.00 per Single-Family Equivalent. The connection fee to be paid for each sanitary sewer service connection to this main shall be calculated in the same manner as set forth in Section 24.0707.4 and Section 24.0707.5. The Single-Family Equivalent for each type of use shall be the same as set forth in Section 24.0707.6. The connection fee shall be paid to the City before connection is allowed to the public sewer main.
 [Ord. No. 1966 Eff. Date 04-12-00]

24.0706.8 **Deleted per Ordinance 1918, Effective 10-15-98.**
 [Ord. No. 1918 Eff. Date 10-15-98]

24.0707 **SANITARY SEWER CONNECTION FEE, SOUTH CENTRAL SEWER SYSTEM.**

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24.0707.1 **PURPOSE.** The City of Newton in providing sanitary sewer service to properties located within the South Central Sewer Service Area has incurred costs and hereby establishes of a Sanitary Sewer Service Connection Fee for all existing and proposed developments within the Service Area boundaries.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.2 **The Boundaries of the South Central Sewer Service Area** have been established by the City to optimize the sewer system and minimize the area unserviceable by a public gravity sewer system.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3 **The Area to be Serviced** by this public sewer system shall include all properties located north and south of Interstate 80 and lying east of Iowa Highway 14 and west of West 4th Street South described as follows that can be serviced by this gravity sewer:
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A) Phase 1 Service Area, south of Interstate 80.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(1) Oak Park Estates, Lots 1, 2, 3, 4 and 5.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(2) Oak Hill, Lots 1, 2, 3 and 4.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(3) Oak Hill, Plat 2, Lots 1, 2 and 3.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(4) Oak Park Estates, Plat 2, Lots 6, 7 and 8.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(5) Oak Park Estates, Plat 3, Lot 9
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(6) McCabe Place Plat, Lots 2, 6, 7, 8, 9, 10, 11 and Outlot X.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(7) The Subdivision of the NW 1/4 of the SW 1/4 of Section 4, Township 79 North, Range 19 West Lots 1 and 2; and the east 466.7 feet of the south 466.7 feet of Lot B.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(8) The unplatted property located in the south 1/2 of the NW 1/4 Section 4, Township 79 North, Range 19 West located south of Interstate 80.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(A)(9) That part of the unplatted NE 1/4 of the SW 1/4, Section 4 Township 79 North, Range 19 West, lying northwest of a line extending from the southeast corner of Oak Park Estates to a point 400 feet east of the southeast corner of Oak Park Estates, Plat 2.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(B) Phase 2 Service Area, north of Interstate 80
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(B)(1) The unplatted property in the south 1/2 of The NW 1/4, Section 4, Township 79 North, Range 19 West located north of Interstate 80 and south of Denniston Knolls Southwest Subdivision, Plats 1 and 2 and Robinson's Addition and located east of Denniston Knolls Southwest, Plat 8.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(B)(2) The south 548 feet of the unplatted property located in the NW 1/4 of the NE 1/4, Section 4, Township 79 North, Range 19 West.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(B)(3) The west 500 feet of the unplatted property located in the SE 1/4 of the NE 1/4, Section 4, Township 79 North, Range 19 West located north of Interstate 80.
[Ord. No. 1586 Eff. Date 12-12-88]

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24.0707.3(B)(4) The south 548 feet of the west 675 feet of the unplatted property located in the NE 1/4 of NE 1/4, Section 4, Township 79 North, Range 19 West.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.3(B)(5) The unplatted property located in the SW 1/4 of the NE 1/4, Section 4, Township 79 North, Range 19 West located north of Interstate 80.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.4 **The connection Fee** to be paid for each sanitary sewer service connection to this main shall be the product of the Number of Units times the Single-Family Equivalent (SFE) times the connection fee for one single-family equivalent.

Connection fee \$ ____ = # of units x SFE x \$2010.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.5 **The Connection Fee** for each single-family equivalent connection will be \$2010.00.
[Ord. No. 1586 Eff. Date 12-12-88]

24.0707.6 **The Single-Family Equivalent for each type of use shall be as follows:**

| USE | SINGLE-FAMILY EQUIVALENTS (SFE) |
|--------------------------|--|
| Single Family | 1 per unit |
| Duplex | 1.4 per duplex |
| Apartment | 0.28 per unit |
| Townhouse/Condo | 0.46 per unit |
| Day Care | 0.06 per student |
| Public School | 0.07 per student |
| Other School | 0.06 per student |
| Motel without restaurant | 0.17 per room |
| Motel with restaurant | 0.43 per room |
| Nursing Home | .25 per bed |
| Restaurant | 0.3 per seat |
| Restaurant Fast Service | 0.14 per seat |
| General Retail | 0.00020 per SF |
| Office Building | 0.00014 per SF |
| Church | 1.14 per each |

For any proposed use not listed in the above table the Single-Family Equivalent (SFE) shall be determined by the City Engineer from documented water usage for similar uses divided by 350 gallons per day per each single-family equivalent.

[Ord. No. 1848 Eff. Date 10-11-96]

24.0707.7 **The connection fee** shall be paid to the city before connection is allowed to the public sewer main.
[Ord. No. 1586 Eff. Date 12-12-88]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 8, BILLING AND PAYMENT**

24.0801 **BILLS.** Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefor to the city.

Bills for sewer service shall be sent out by the city during the month succeeding the period for which the service is billed.

All sewer bills are due and payable fifteen (15) days after being sent out. A late fee may be assessed to any bill not paid by the fifteenth (15th) day after they have been rendered. A late notice shall be served as provided by the rules and regulations of the water department for bills not paid by the fifteenth (15th) day. Said notice shall provide a procedure for a hearing before the administrative body, should the customer so desire.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0801]

24.0802 **DELINQUENT BILLS.** If the charges for such services are not paid within thirty-five (35) days after the rendition of the bill for such services, such services may be discontinued and shall not be reinstated until all claims are settled. Service may be discontinued by means of the discontinuance of the water service in the same manner provided by the rules and regulations of the water department in the case of delinquent water bills.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0802]

24.0803 **LIEN-NOTICE OF DELINQUENCY.** Whenever a bill for sewer service remains unpaid as noted in §24.0802 and after due notice is served on the property owner, the city council shall certify to the Jasper County Treasurer a statement of lien claimed.

[Ord. No. 1586 Eff. Date 12-12-88] [1987 Code of Ordinances §3-3.0803]

24.0804 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the city. The city is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters against any property for which the bill has remained unpaid.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0804]

24.0805 **REVENUES.** All revenues and moneys derived from the operation of the sewerage system and wastewater treatment works shall be deposited in the wastewater account of the wastewater fund. All such revenue and moneys shall be held by the Newton finance department separate and apart from private funds and separate and apart from all other funds of the city and all of said sum, without any deductions whatever, shall be delivered to the Newton finance department not more than ten (10) days after receipt of the same, or at more frequent intervals as may from time to time be directed by the city council.

The Newton finance department shall receive all such revenues from the sewerage system and wastewater treatment works and all other funds and moneys incident to the operation of such system as the same may be delivered to the finance department and deposit the same in the account of the fund designated as the "Sewer and Wastewater Fund of the City." Said department shall administer such fund in every respect in the manner provided by statute of the Iowa Administrative Code.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0805]

24.0806 **ACCOUNTS.** The Newton finance department shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system and wastewater treatment works, and at regular annual intervals the finance department shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system .

In addition to the customer operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facility, including a replacement cost, to indicate that the wastewater service charges do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806]

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24.0806.1 Flow data showing total gallons received at the wastewater plant for the current fiscal year.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806(1)]

24.0806.2 Billing data to show total number of gallons billed.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806(2)]

24.0806.3 Debt service for the next succeeding fiscal year.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806(3)]

24.0806.4 Number of nonmetered users.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806(4)]

24.0806.5 A list of major users discharging more than fifty thousand (50,000) gpd of nondomestic wastes (industrial users) and volume of waste discharged.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0806(5)]

24.0807 **PENALTY.** Any person, firm, or corporation violating any provisions of this article shall be fined not more than one hundred dollars (\$100) for each offense.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0807]

24.0808 **ACCESS TO RECORDS.** The Iowa Department of Natural Resources or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges for the purpose of making audit, examination, excerpts, and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any federal or state grant.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0808]

24.0809 **CHARGES REVIEWED.** The wastewater service charges shall be reviewed periodically (at least every two (2) years) and adjusted as appropriate to insure that said charges generate sufficient funds for operation, maintenance and replacement of the sewerage system and wastewater treatment works and local capital financing requirements.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0809]

24.0810 **ANNUAL NOTICE TO USERS.** The city shall notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance, including replacement of the sewerage system, and wastewater treatment works.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0810]

24.0811 **CHAPTER TAKES PRECEDENCE.** This chapter shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of §204(b)(1)(A) of the Act and 40CFR35.2140 of the May 12, 1982 Federal Register.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0811]

TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 9, PENALTIES

24.0901 NOTICE OF VIOLATION. Any person found to be violating any provisions of this chapter 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. The city may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0901]

24.0902 MISDEMEANOR. Any person who shall continue any violation beyond the time limit provided for in §24.0901 of this article shall be guilty of a simple misdemeanor, and on conviction thereof shall be subject to the penalty prescribed by §1.0109, Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0902]

24.0903 LIABILITY FOR DAMAGE. Any person violating any of the provisions of this chapter shall become liable to the city including any expense, loss or damage accrued by the city by reason of such violation.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0903]

24.0904 NUISANCE. Whoever is convicted of violating this chapter, when the same has not been repealed by statute, shall be guilty of a misdemeanor and the continued violation shall be deemed a nuisance which may be abated in the same manner as another nuisance deferred by the city ordinance and the costs recovered.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-3.0904]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 24, SEWAGE AND SEWAGE DISPOSAL
ARTICLE 10, SEWER CONNECTION FEE DISTRICTS**

24.1000 FEE FOR CONNECTION TO MAJOR SANITARY SEWER FACILITIES – NOTICE AND HEARING PRIOR TO ADOPTION OF ORDINANCE ESTABLISHING BENEFITED DISTRICT AND CONNECTION FEE – COLLECTION OF CONNECTION FEE.

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|------------------|-------------------------------------|
| 24.1000.1 | Purpose |
| 24.1000.2 | Notice |
| 24.1000.3 | Public Hearing |
| 24.1000.4 | Conclusion of Public Hearing |
| 24.1000.5 | Application to Connect |
| 24.1000.6 | Connection Fee |
| 24.1000.7 | Payment to City Treasurer |
| 24.1000.8 | Fees |
| 24.1000.9 | Disconnection |

24.1000.1 PURPOSE. The City has determined the necessity of establishing a policy and a procedure to be utilized to recover the cost of designing and constructing major sanitary sewer facilities in those instances in which a significant number of the properties to be benefited by such facilities are not sufficiently developed to permit the recovery of those costs through the special assessment process as provided in Chapter 384, Division IV of the Iowa Code. The City hereby declares its intent to utilize connection fees, as herein provided, to recover the costs of designing and constructing such major sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction.

It is the intent of this section to set forth the method of recovery of proportional cost shares from those property owners who connect their properties to major sanitary sewer facilities subsequent to their construction, so that in the event that all property, other than street and road right-of-way, which lies within the benefited district is connected to the major sanitary sewer facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100% of the cost of designing and constructing such facilities, including legal, administrative and interest expenses associated therewith.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.2 NOTICE. In the event the City Council determines the necessity of constructing a major sanitary sewer facility, and determines that the utilization of a connection fee is the most equitable manner in which to recover the City's costs associated therewith, the City Council shall cause a "Notice of Public Hearing on the Proposed Adoption of an Ordinance to Establish a Benefited District and a Connection Fee" to be published in a newspaper of general circulation within the City as hereafter provided. In addition to indicating the date, time, and place of the public hearing, the notice shall:

- (A) Indicate the nature and extent of the major sanitary sewer facility or facilities under consideration for construction, as well as the estimated cost or costs for the design and construction of same;
- (B) Identify by general description the proposed benefited district to be served by the major sanitary sewer facility or facilities; and
- (C) Set forth the proposed schedule of connection fees to be paid by property owners within the benefited district who connect to said facilities, expressed in dollars per single family equivalent for each type of use of land area served.

The notice shall also state that the proposed connection fee ordinance is on file, along with a plat of the area to be served, and both are available for public inspection in the office of the City Clerk. Notice and public hearing shall be pursuant to the method set forth in the first sentence of Iowa Code §384.38(3) (1999), referring to Iowa Code §362.3. As a courtesy, a copy of the information contained in the notice shall be mailed by regular mail to each property owner within the benefited district as shown by the records of the county auditor.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.3 PUBLIC HEARING. At the public hearing, the owners of property within the proposed benefited district shall be heard and may offer comments or objections as to:

- (A) the necessity for the project;

(B) the calculation of the area benefited by the proposed major sanitary sewer facilities;

(C) the estimated cost of the proposed facilities; and

(D) the proposed connection fee per single family equivalent for each type of use.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.4 CONCLUSION OF PUBLIC HEARING. Upon concluding the hearing, the City Council shall rule upon the objections presented during the hearing and may consider the adoption of the proposed connection fee ordinance. Upon consideration of the proposed connection fee ordinance, the Council may:

- (A) adopt the ordinance as proposed;
- (B) delete elements or portions of the proposed major sanitary sewer facilities from the proposed project and the properties served thereby from the benefited district proposed, or
- (C) amend the ordinance to revise the connection fee.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.5 APPLICATION TO CONNECT. After adoption, publication and recording by the City Clerk in the county where the property in the benefited district is located, of a connection fee ordinance for a benefited district, all owners of those properties within the benefited district whose properties are eligible for connection, and who propose to connect such properties directly or indirectly to the major sanitary sewer facility, shall make application to the City for such connection. The submittal of construction plans to the City for sanitary sewer improvements or property being subdivided for development shall constitute an application to the City for purposes of this section. No connection shall be made to a sanitary sewer facility until such application has been approved and until the required connection fee has been paid, provided such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements necessary to serve said property have been constructed, at the owner's expense, and accepted by the City. The sewer connection fee required by this Article shall be paid prior to connection to the sanitary sewer.

[Ord. No. 1954 Eff. Date 10-25-99]

24.1000.6 CONNECTION FEE. The sewer connection fee shall be in an amount equal to the single family equivalent for each type of use sited on the area of contiguous property within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the single family equivalent connection fee established in the connection fee ordinance for that benefited district. The connection fee ordinance may provide for a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee for their property. The rate of interest applicable to the connection fee established in each benefited district shall not exceed the rate of interest applicable to special assessments pursuant to Chapter 74A and Section 384.60(3) of the Iowa Code in effect on the date that the connection fee was established for that district by enactment of a connection fee ordinance.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.7 PAYMENT TO CITY TREASURER. The sewer connection fee required by this section shall be due and payable to the City Treasurer prior to connection.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.8 FEES. The sewer connection fee required by this section is in addition to, and not in lieu of, any other fees for connection required under the plumbing code (chapter 20, article 3), chapter 24 (articles 1-9), or other provisions of the municipal code of the City of Newton.

[Ord. No. 1939 Eff. Date 07-26-99]

24.1000.9 DISCONNECTION. In the event any property owner connects his or her property within a benefited district to a major sanitary sewer facility without having made application therefore or without having received approval thereof, or without having paid the required connection fee established by a connection fee ordinance, the City shall be entitled to disconnect such private sewer connection until such time as the property owner has made and received approval of his or her application, and/or has paid the required connection fee.

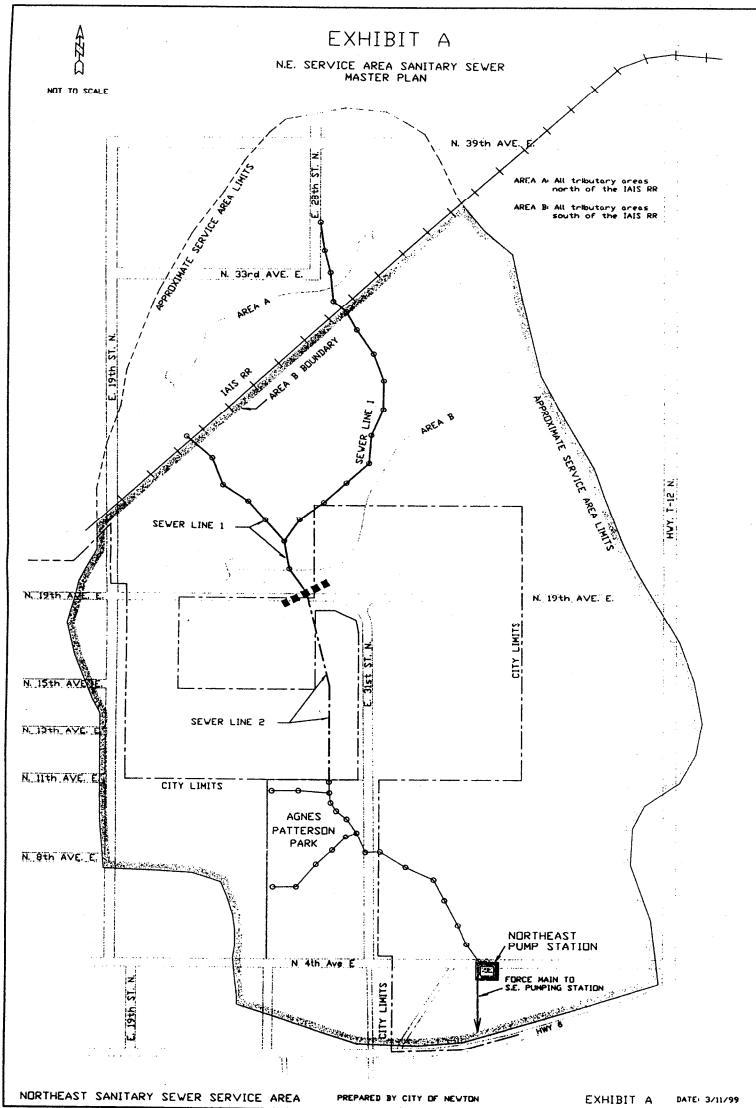
[Ord. No. 1939 Eff. Date 07-26-99]

24.1001 CONNECTION FEES –NORTHEAST SANITARY SEWER PUMP STATION DISTRICT

24.1001.1 Boundaries
24.1001.2 Fees

24.1001.1 BOUNDARIES. The Northeast sanitary Sewer Pump Station Connection Fee District shall be all areas tributary to the Northeast sanitary Sewer Pump Station to be constructed at 3601 North 4th Avenue East. The tributary area is all land able to be served by the Northeast sanitary Sewer Pump Station which is generally located between Highway T-12, North 39th Avenue East, East 19th Street North and U.S. Highway 6. Below is Exhibit A, a map dated 3/11/99 and shows the approximate Northeast Sanitary Sewer Pump Station Connection Fee District boundaries.

[Ord. No. 1955 Eff. Date 10-25-99]



24.1001.2 FEES. The connection fee to be paid for each sanitary sewer service connection to the Northeast Sanitary Sewer Pump Station District shall be the product of the Number of Unites times the Single-Family Equivalent (SFE) times the connection fee for one single-family equivalent. The connection fee of each single-family equivalent connection shall be \$300.00. The Single-Family Equivalent for each type of use shall be the same as set forth in Section 24.0707.6.

Connection Fee \$ ____ = (# of units) x SFE x \$300

The sewer connection fee shall be paid prior to connection to the sanitary sewer. This sewer connection fee is in addition to, and not in lieu of, any other fees for connection required under the plumbing code (chapter 20, article 3), chapter 24 (articles 1-9), or other provisions of the municipal code of the City of Newton.

[Ord. No. 1955 Eff. Date 10-25-99]

24.1002 Connection Fees – Southeast Interchange Sanitary Sewer Improvements Phases 1 and 2 District

24.1002.1 Boundaries

24.1002.2 Fees

24.1002.3 Exceptions to Fees

24.1002.1 Boundaries. The Southeast Interchange Sanitary Sewer Improvements Phase 1 and 2 Connection Fee District shall be all areas tributary to the Southeast Interchange Sanitary Sewer Phase 1 and 2 District. The tributary area is all land able to be served by the Southeast Interchange Sanitary Sewer Improvements Phase 1 and 2 District which is generally located at a point beginning on South 13th Avenue East Abutting 30 acre park, thence east to SE Beltine Rd, thence southeasterly following SE Beltine Rd to the point where SE Beltine Rd begins to curve from eastbound to southbound, thence northwesterly to the intersection of South 9th Avenue East and East 36th Street South, thence north quite reaching 1st Avenue East, thence west passing across SE Beltine Rd, thence south to the point of beginning. Below is Exhibit A, a map dated 08/01/00 and shows the Southeast Interchange Sanitary Sewer Improvements Phases 1 and 2 District Boundaries.

24.1002.2 FEES. The connection fee to be paid for each sanitary sewer service connection to the Southeast Interchange Sanitary Sewer Improvements Phases 1 and 2 District shall be the product of the Number Units times the Single-Family Equivalent (SFE) times the connection fee for one single-family equivalent. The connection fee for each single-family equivalent connection shall be \$300.00. The Single-Family Equivalent for each type of use shall be the same as set forth in Section 24.0707.6
Connection Fee \$ _____ = (# of units) x SFE x \$300.

The sewer connection fee shall be paid prior to connection to the sanitary sewer. This sewer connection fee is in addition to, and not in lieu of, any fees for connection required under the plumbing code (chapter 20, article 3), Chapter 24 (articles 1 – 9) [for example - §24.0706.7(B) – capital cost recovery fee], or other provisions of the Municipal code of the City of Newton.

24.1002.3 EXCEPTION TO FEES. Section 24.1002.2 shall not apply for those properties having already paid for sewer. The land which has already paid for sewer to be served by the Southeast Interchange Sanitary Sewer Improvements Phases 1 and 2 is generally located within the district and either (1) north of South 9th Avenue East and SE Beltine Rd or (2) north of South 13th Avenue East, west of SE Beltine Rd and south of South 9th Avenue East. The above referenced Exhibit A, a map dated 08/01/00 which shows the Southeast Interchange Sanitary Sewer Improvements Phases 1 and 2 District boundaries also shows the general area which is exempted from the connection fee.

Units times the Single-Family Equivalent (SFE) times the connection fee for one single-family equivalent. The connection fee for each single-family equivalent connection shall be \$585.00. The Single-Family Equivalent for each type of use shall be the same as set forth in Section 24.0707.6

$$\text{Connection Fee } \$ \underline{\hspace{2cm}} = (\# \text{ of units}) \times \text{SFE} \times \$585.$$

The sewer connection fee shall be paid prior to connection to the sanitary sewer. This sewer connection fee is in addition to, and not in lieu of, any fees for connection required under the plumbing code (chapter 20, article 3), Chapter 24 (articles 1 – 9) [for example - §24.0706.7(B) – capital cost recovery fee], or other provisions of the Municipal code of the City of Newton.

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 25, SOLID WASTE CONTROL
ARTICLE 1, GENERAL PROVISIONS**

25.0101 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0101]

25.0102 DEFINITIONS. For use in this chapter the following terms are defined:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102]

25.0102.1 Solid Waste: shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection 1 of §321.1 of the Code of Iowa.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(1)] [Code of Iowa, §455B 301(4)]

25.0102.2 Garbage: shall mean all solid and semi solid, 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(2)] [IAC, 1977, 400-25.1(7)]

25.0102.3 Refuse: shall mean putrescible and non-putrescible 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(3)] [IAC, 1977, 400-25.1(9)]

25.0102.4 Rubbish: shall mean non-putrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(4)] [IAC, 1977, 400-25.1(21)]

25.0102.5 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(5)] [IAC, 1977, 400-25.1(13)]

25.0102.6 Landscape Waste: shall mean any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(6)] [IAC, 1977, 400-1.2(32)]

25.0102.7 Back Yard Burning: shall mean the disposal of residential waste (excluding leaves) by open burning on the premises of the property where such waste is generated.

[Ord. No. 1957 Eff. Date 12-28-99]

25.0102.8 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.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(8)] [IAC, 1977, 400-1.2(49)]

25.0102.9 Discard: shall mean to place, cause to be placed, throw, deposit or drop.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(9)] [Code of Iowa §455B.361(2)]

25.0102.10 Litter: shall mean any garbage, rubbish, trash, refuse, waste materials or debris.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(10)] [Code of Iowa §455B.361(1)]

25.0102.11 Open Dumping: shall mean the depositing of solid wastes on the surface of the ground or into a body or stream of water.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(11)] [IAC, 1977, 400-25.1(14)]

25.0102.12 **Rubble:** shall mean stone, brick or similar inorganic material.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(12)] [IAC, 1977, 25.1(22)]

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25.0102.13 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(13)] [Code Of Iowa, §455B.301(3)]

25.0102.14 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(14)] [IAC, 1977, 400-25.1(35)]

25.0102.15 Owner: shall mean in addition to the record title-holder 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(15)]

25.0102.16 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(17)] [IAC, 1977, 400-25.1(25)]

25.0102.17 Executive Director: shall mean the executive director of the state department of the Department of Natural Resources or the director's designee.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(18)] [Code of Iowa, §455B.101(2b)]

25.0102.18 Approved Incinerator: shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the Iowa Department of Natural Resources commission.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(19)]

25.0102.19 Salvage Operation: shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0102(20)] [IAC, 1977, 400-1.2(52)]

25.0103 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0103]

25.0104 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0104]

25.0105 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105] [IAC, 1977, 400-4.2(1)]

25.0105.1 Disaster Rubbish. The open burning of rubbish, including landscape waste (excluding leaves), for the duration of the community disaster period in cases where an officially declared emergency condition exists.
[Ord. No. 1957 Eff. Date 12-28-99]

25.0105.2 Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105(2)] [IAC, 1977, 400-4.2(3b)]

25.0105.3 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 water, air and waste management.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105(3)] [IAC, 1977, 400-4.2(3c)]

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25.0105.4 Landscape Waste. The disposal by open burning of landscape waste (excluding leaves) originating on the premises. However, the burning of landscape waste (excluding leaves) produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.
[Ord. No. 1957 Eff. Date 12-28-99]

25.0105.5 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 water, air and waste management.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105(5)] [IAC, 1977, 400-4.2(3e)]

25.0105.6 Back Yard Burning. Back yard burning of residential waste (excluding leaves) at dwellings of four-family units or less.
[Ord. No. 1957 Eff. Date 12-28-99]

25.0105.7 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 water, air and waste management receives notice in writing at least one week before such action commences.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105(7)] [IAC, 1977, 400-4.2(3g)]

25.0105.8 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 Department of Natural Resources.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0105(8)] [IAC, 1977, 400-4.2(2)]

25.0105.9 Enforcement. The Newton Fire Chief or his designee shall have authority to enforce all provisions of this ordinance pursuant to *Code of Iowa* §364.22.
[Ord. No. 1799 Eff. Date 08-26-94]

25.0105.10 Violation. Any open burning which occurs outside the established time limit, any open burning occurring within the established time limit but which is determined by the Chief or his designee to be injurious to the health of occupants of surrounding property or which is determined by the Chief or his designee to constitute a hazardous condition, or any open burning of prohibited items is a violation of this ordinance. The Newton Fire Chief or his designee is authorized to require that open burning in violation of this ordinance be immediately discontinued and shall, if necessary, extinguish the fire.
[Ord. No. 1799 Eff. Date 08-26-94]

25.0105.11 Penalty. Violation of the provisions of this ordinance is a municipal infraction punishable upon conviction by a fine as set forth under the subsections of Newton Municipal Code Section 1.0109 of \$50.00. A second or subsequent offense is an offense occurring within twelve months from the date of the first offense.
[Ord. No. 1957 Eff. Date 12-28-99]

25.0105.12 Review. Repealed
[Ord. No. 1957 Eff. Date 12-28-99]

25.0106 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0106] [Code of Iowa, §455B.363]

25.0107 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 water, air and waste management.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0107] [IAC, 1977, 400-26.4(1)]

25.0108 TOXIC AND HAZARDOUS WASTES. The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0108]

25.0108.1 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0108(1)] [IAC, 1977, 400-26.3(2c)]

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25.0108.2 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 and in compliance with federal and state laws, rules and regulations.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0108(2)] [IAC, 1977, 400-26.3(2c)]

25.0108.3 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 owner's agent, to a place of safe deposit or disposal as prescribed by the executive director of the Department of Natural Resources

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0108(3)] [IAC, 1977, 27.14(2)]

25.0109 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:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0109] [IAC, 1977, 400-26.5(13) & 26.5(2b)]

25.0109.1 Container Specification. Waste storage containers shall comply with the following specifications:

[Ord. No. 1537 Eff. Date 08-03-87] [1987 Code of Ordinances §3-4.0109(1)]

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25.0109.2 Residential. Residential waste containers shall be no more than thirty-five (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. These containers shall have handles, bails, or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying. These containers shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding sixty-five (65) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the city may also be used.
[Ord. No. 1537 Eff. Date 08-12-87] [1987 Code of Ordinances §3-4.0109(1A)]

25.0109.3 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0109(1B)]

25.0109.4 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0109(2)]

25.0109.5 Non-conforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0109(3)]

25.0110 STORAGE OF YARD WASTES. All yard waste 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.
[Ord. No. 1537 Eff. Date 08-12-87] [1987 Code of Ordinances §3-4.0110]

25.0111 SANITARY DISPOSAL REQUIRED. It shall be the duty of each owner to provide for sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than fifteen days shall be deemed a nuisance and the City may proceed to abate such nuisances as provided by the Code of Ordinances or the Code of Iowa
[Ord. No. 1537 Eff. Date 08-12-87] [1987 Code of Ordinances §3-4.0111] [Code of Iowa, Ch. 657]

25.0112 PROHIBITED PRACTICES. It shall be unlawful for any person to:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0112]

25.0112.1 Unlawful Use of Containers. Deposit refuse in any solid waste containers other than that person's own without the written consent of the owner of such containers.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0112(1)]

25.0112.2 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0112(2)]

25.0112.3 Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0112(3)]

25.0112.4 Incinerators. Burn rubbish except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0112(4)] [IAC, 1977, 400-4.4(12)]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 25, SOLID WASTE CONTROL
ARTICLE 2, COLLECTION AND TRANSPORTATION**

25.0201 **DEFINITIONS.** For use in this article the following terms are defined:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201]

25.0201.1 **"Residential Premises":** means 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(1)]

25.0201.2 **"Collectors":** shall mean any person authorized by this article to gather solid waste from public and private places.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(2)]

25.0201.3 **"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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(3)]

25.0201.4 **"Single-family Dwelling":** shall mean a structure containing one dwelling unit only.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(4)]

25.0201.5 **"Multiple-family Dwelling":** shall mean a structure containing more than one dwelling unit.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(5)]

25.0201.6 **"Property Served":** shall mean any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided herein.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0201(6)]

25.0202 **COLLECTION SERVICE.** The city shall provide for the collection of all solid waste except bulky rubbish as provided in §25.0207 within the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0202] [IAC, 1977, 400-26.3(1a)]

25.0203 **COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0203] [IAC, 1977, 400-26.3(2b)]

25.0204 **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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0204] [IAC, 1977, 400-26.3(2a)]

25.0205 **FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week.
[Ord. No. 1537 Eff. Date 08-12-87] [1987 Code of Ordinances §3-4.0205] [IAC, 1977, 400-26.3(1b)]

25.0206 **LOCATION OF CONTAINERS.** Except as may be otherwise permitted in accordance with policy approved by the council, containers for the storage of solid wastes awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid wastes placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0206] [IAC, 1977, 400-26.3(1b)]

25.0207 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the council.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0207] [AC, 1977, 400-26.3(1b)]

25.0208 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this article, however solid waste collectors shall not enter dwelling units or other residential buildings.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0210]

25.0209 MUNICIPAL RECYCLING - PURPOSE. The purpose of this ordinance is to promote recycling by requiring property owners to provide facilities for the source separation of Recyclable Materials at certain locations. Any person or persons engaged in the Collection, processing and marking of Designated Recyclable materials within the City or who collects solid waste within the City, and all householders, firms, corporations, co-partnerships and any and all persons who may or do produce solid waste and/or Designated Recyclable Materials shall be subject to the provisions of this Ordinance.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210 Definitions. The following words and phrases, when used in this Ordinance, shall have unless the context clearly indicates otherwise the meanings given to them in this section.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.1 Non-Recyclable Material shall mean any material not defined as Recyclable Material.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.2 Designated Recyclable Material shall mean as defined in City's curbside recycling contract.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.3 City shall mean City of Newton.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.4 Collection shall mean the transportation of Municipal Waste from the place it is generated and includes all activities up to the time the waste is delivered to a recycling facility or solid waste disposal site.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.5 Collector shall mean a person or company which collects, transports and disposes of Municipal Waste or Recyclable Materials.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.6 Commingled shall mean source separated, non-putrescible Recyclable Materials that have been mixed at the source of generation (i.e., placed in the same container).

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.7 Condominium shall mean an apartment building or housing area in which the Dwelling Units are owned individually.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.8 Dwelling Unit shall mean a group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.9 Multi-Family Dwelling shall mean any building under one roof which contains five or more complete Dwelling Units or any building receiving trash collection from a dumpster or similar receptacle.

[Ord. No. 1838 Eff. Date 06-10-96]

25.0210.10 Municipal Waste shall mean any garbage, refuse, industrial lunchroom or office waste, and other material, including solid, liquid, semi-solid or contained gaseous material resulting from the operation of Multi-Family Dwellings.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.11 Nearby shall mean adjoining, adjacent or contiguous.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.12 **Person** shall mean any individual, partnership, corporation, association institution, cooperative enterprises , or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.13 **Premises** shall mean real property on which any Multi-Family Dwelling Unit or combination of units sharing common driveways are located.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.14 **Recycling** shall mean the separation, collection, processing, recovering and sale or reuse of materials which would otherwise be disposed of as Municipal Waste.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.15 **Recycling Facility** shall mean any facility employing a technology that is a process that separates or recovers reusable materials that can be sold or reused by a manufacturer as substitute for or a supplement to virgin raw materials.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0210.16 **Source Separation** shall mean the separation of Recyclable Materials from the Municipal Waste stream at the point of waste generation.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0211 **ESTABLISHMENT OF RECYCLING PROGRAM.** There is hereby established a recycling program for the source separation, separate collection and recycling of designated Recycling Materials generated within the City from all Multi-Family Dwellings and Dwelling Units not presently served by existing residential recycling collection programs as provided in this ordinance. Collection of Designated Recyclable Materials shall be made at least weekly or more often as necessary, as determined by the Public Works Director or other designee. The storage of Designated Recyclable Materials shall not result in the creation of a public nuisance. All Multi-Family Dwellings which are not presently part of existing residential recycling collection programs shall be required to provide the facilities for the source separation of all Designated Recyclable Materials generated on the premises and shall arrange for the collection of materials to be transported to a Recycling Facility. Program development, implementation and operation shall be the responsibility of the same entity which contracts for the private collection and disposal of solid waste on the premises. The specific Designated Recyclable Materials are those materials set out in §25.0210 of this Ordinance. Commercial waste haulers and collectors subject to the provisions of this Ordinance shall make such reports to the City as the City Administrator directs.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0212 **COLLECTION AND TRANSPORTATION OF DESIGNATED RECYCLABLE MATERIALS.**

Any person transporting Designated Recyclable Materials within the City shall prevent or remedy any spillage from vehicles or containers used in the transport of such Designated Recyclable Materials. Such vehicles or containers shall not be overfilled and shall be cleansed at sufficiently frequent intervals to prevent obnoxious odors or unhealthful conditions. Such vehicles shall also be so constructed, loaded and driven as to prevent any portion of the load from falling out upon streets or highways. Collectors shall return the recycling receptacles to the premises from which they have been removed in a manner so as not to create a public nuisance. Collectors shall also collect and remove all Recyclable Materials for which they are responsible to collect from the premises.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0213 **DUTY TO PROVIDE STORAGE.** It shall be the duty of every owner of an entity which contracts for the private collection and disposal of solid waste from the premises to provide and keep at all times, a sufficient number of containers to hold all Designated Recyclable Materials which may accumulate during the intervals between collection of such materials by the authorized Collector. Containers may be located on-site or on nearby premises with the permission of the affected property owners or otherwise in accordance with the provision of this section. Owners of Multi-Family Dwelling Units shall insure that each Dwelling Unit has access to the containers and that the containers are sufficient to hold all Designated Recyclable Materials accumulated by the occupants of the Dwelling Unit during the intervals between collections.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0214 **STORAGE.** All Designated Recyclable Materials accumulated by owners and/or occupants of Multi-Family Dwelling Units shall be placed in containers which are durable, water tight and made of metal or plastic and marked with the recycling symbol or other acceptable markings. The containers shall remain on the premises at all times and shall be kept in a clean condition. The type of bulk container to be furnished by the Collector shall be acceptable to the Public Works Director or other designee. Containers shall have lids if necessary to avert a public nuisance or protect the marketing quality of Designated Recyclable Materials which are being placed in or removed from the container. The container shall be clearly marked with both the recycling symbol and with the type of materials to be deposited in the container. The container shall be kept clean and in good repair. The number of such containers shall be sufficient to handle the volume of recyclables which accumulate between collection intervals.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0215 LOCATION OF CONTAINERS. Bulk storage containers for Collection at Multi-Family Dwellings using private collection shall be located on such premises at places agreed upon by such owner or occupant of the property and the authorized Collector. Such location shall not interfere with private or public sidewalks, walkways, driveways, roads, streets, highways, or entrances or exits of private or public buildings and shall be in compliance with all applicable laws. Bulk storage containers which are on wheels to facilitate their movement shall remain blocked at all times while unattended to prevent unintentional movement.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0216 PREPARATION OF DESIGNATED RECYCLABLE MATERIALS AND PLACEMENT FOR COLLECTION. Designated Recyclable Materials shall be separated and prepared in a manner consistent with recycling market requirements and placed at designated areas separate from Municipal Waste for Collection at such time and date as may be agreed upon between the Collector and the establishment.

[Ord. No. 1836 Eff. Date 05-10-96]

25.0217 ENFORCEMENT. Any person, firm or corporation who has an ownership interest in a Multi-Family Dwelling and who shall fail, neglect or refuse to comply with any terms or provisions of this Ordinance or any regulation or requirement pursuant hereto and authorized hereby for the separation and collection of Recyclable Material, shall be subject to a municipal infraction as provided in §1.0109 of the Newton Code of Ordinances.

[Ord. No. 1836 Eff. Date 05-10-96]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 25, SOLID WASTE CONTROL
ARTICLE 3, SOLID WASTE DISPOSAL**

25.0301 **DEFINITIONS.** For use in this article the following terms are defined:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301]

25.0301.1 **"Processing Facility":** shall mean the site and equipment for the preliminary and incomplete disposal of solid waste, including but not limited to transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding and compression.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301(1)] [IAC, 1977, 400-25.1(43)]

25.0301.2 **"Site":** shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301(2)] [IAC, 1977, 400-25.1(30)]

25.0301.3 **"Scavenging":** shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301(3)] [IAC, 1977, 400-25.1(28)]

25.0301.4 **"Operator":** shall mean the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301(4)]

25.0301.5 **"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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0301(5)]

25.0302 **SANITARY DISPOSAL REQUIRED.** All solid wastes generated or produced within the city shall be disposed of at a sanitary disposal project designated by the city and approved by the executive director of the state department of water, air and waste management.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0302 [Code of Iowa, §455B.307]

25.0303 **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 them unless such place has been designated by the city as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0303] [Code of Iowa, §455S.307]

25.0304 **EXCEPTIONS.** Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, dirt, stone, brick, gravel, rock, 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.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0304]

25.0305 **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 state department of water, air and waste management.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0305] [IAC, 1977, 400-27.14(2)]

25.0306 **RADIO-ACTIVE MATERIALS.** Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0306] [IAC, 1977, 400-27.14(1)]

25.0307 **SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facility operated by the city is hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0307]

25.0308 **PRIVATE SANITARY DISPOSAL PROJECT.** No person may establish and operate a private sanitary disposal project within the city.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-4.0308]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 25, SOLID WASTE CONTROL
ARTICLE 4, DISPOSAL OF YARD WASTE**

25.0401 **DEFINITIONS.** For use in this article the following terms are defined:
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.1 **"Yard waste"** means organic debris produced from property located within the city limits of the city of Newton, Iowa, as part of yard and garden development and maintenance, consisting of the following:
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.1(A) Grass clippings.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.1(B) Leaves.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.1(C) Brush, shrubs, and tree limbs, bark and branches.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.2 **"City leaf containers"** means specially marked biodegradable bags, bearing the logo of the city, sold or otherwise dispensed by the city directly or through designated third parties.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.3 **"City grass clipping containers"** means specially marked durable containers bearing the logo of the city, sold, leased or otherwise dispensed by the city directly or through designated third parties.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.4 **"On site"** refers to the private property producing the yard waste subject to disposal, and excludes the surface of public sidewalks, streets and alleys adjacent to such private property.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.5 **"City's solid waste contractor"** refers to the individual or company designated from time to time by the city council to hold the city contract for the collection and transportation of solid waste within the city limits of the City of Newton, Iowa.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.6 **"Private lawn service company or provider"** refers to a private individual or company providing lawn care services to customers, registered with the city and bonded in an amount to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0401.7 **"Private tree service company or provider"** refers to a private individual or company providing tree services to customers, registered with the city and bonded in an amount to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0402 **DISPOSAL OF GRASS CLIPPINGS.** Grass clippings shall be separated from other solid waste and disposed of only as follows:
[Ord. No. 1659 Eff. Date 11-27-90]

25.0402.1 On site composting, mulching or dispersal
[Ord. No. 1659 Eff. Date 11-27-90]

25.0402.2 On site collection and deposit in city grass clipping containers, each weighing no more than sixty five (65) pounds, to be picked up by the city's solid waste contractor at a cost to be established by said contractor and recovered from the customer through private billing.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0402.3 On site collection and transfer to a private lawn service company or provider, for (a) composting, mulching or dispersal on private property in such a manner as to comply with all municipal, county, state

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and federal laws, or (b) delivery by said private lawn service company or provider to the city Public Sanitary Disposal Project subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0402.4 Deliver directly to the city Public Sanitary Disposal Project subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0403 DISPOSAL OF LEAVES. Leaves shall be separated from other solid waste and disposed of only as follows:
[Ord. No. 1659 Eff. Date 11-27-90]

25.0403.1 On site composting or mulching.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0403.2 On site burning **Repealed**
[Ord. No. 1957 Eff. Date 12-28-99]

25.0403.3 On site collection and deposit in city leaf containers, to be picked up by the city's solid waste contractor within such period or periods during the year as may be established from time to time by the city administrator and/or public works director.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0403.4 On site collection and transfer to a private lawn service company or provider, for (a) composting or mulching on private property in such a manner as to comply with all municipal, county, state and federal laws, or (b) delivery by said private lawn service company or provider to the city Public Sanitary Disposal Project subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0403.5 Deliver directly to the city Public Sanitary Disposal Project subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404 DISPOSAL OF BRUSH, SHRUBS, AND TREE LIMBS, BARK AND BRANCHES. Brush, shrubs, and tree limbs, bark and branches, shall be separated from other solid waste and disposed of only as follows:
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404.1 On site chopping, sawing or splitting, for use in home fireplaces or stoves.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404.2 On site burning in accordance with all municipal, county, state and Federal laws.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404.3 During such period or periods each year as established by the city administrator, on site collection and deposit, on the public parking, of brush, shrubs, and tree limbs, bark and branches, not greater than four inches in diameter and four feet in length, securely tied in bundles not more than forty-eight (48) inches long or eighteen (18) inches in diameter, weighing not more than sixty-five (65) pounds, to be picked up by the city at no charge.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404.4 On site collection and transfer to a private tree service company or provider, for (a) chopping, sawing or splitting, and subsequent sale for use in home fireplaces or stoves, or (b) delivery by said private tree service company or provider to such site or sites as may from time to time be established by the city administrator, subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

25.0404.5 Deliver directly to such site or sites as may from time to time be established by the city administrator, subject to fees to be established from time to time by the city council by resolution.
[Ord. No. 1659 Eff. Date 11-27-90]

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25.0405 **EMERGENCY POWERS.** Upon the occurrence of a natural disaster the Mayor may by resolution declare a City emergency and establish special procedures for the disposal of brush, shrubs, tree limbs, bark and branches.
[Ord. No. 1792 Eff. Date 07-08-94]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 25, SOLID WASTE CONTROL
ARTICLE 5, PENALTIES**

25.0501 **PENALTIES.** Penalties for any violation of Chapter 25 shall be as provided in §1.0109,
Code of Ordinances.

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TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 26, TREES
ARTICLE 1, GENERAL PROVISIONS

Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, Transferred to 13.0207

Reserved for future use.

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 26, TREES
ARTICLE 2, DUTCH ELM DISEASE CONTROL**

Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, Transferred to 13.0207

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 27, HAZARDOUS MATERIALS**

27.0101 PURPOSE. In order to reduce the danger to public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of leaks and spills within the city limits.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0102 DEFINITIONS. For the purposes of this chapter, the definitions set out in §§455B.381 & 455B.411, Code of Iowa, are hereby adopted by reference, the same as if fully set out herein. To the extent that the definitions of "hazardous substance" in §§455B.381(1) & 455B.411(3) may differ, the most inclusive meaning shall apply so as to achieve the purpose of this chapter. Specifically, but not by way of limitation, the term "hazardous substance" shall include in its meaning "hazardous waste" when it is used in the phrase "person having control over a hazardous substance."

27.0103 CLEANUP REQUIRED.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0103.1 Whenever a hazardous condition is created so that a hazardous substance or waste or a constituent of the hazardous waste substance or may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the person having control over a hazardous substance shall cause the condition to be remedied by a cleanup, as rapidly as feasible to an acceptable safe condition, and restore the affected area to its state prior to the hazardous condition. The cost of cleanup shall be borne by the person having control over a hazardous substance.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0103.2 If the person having control over a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the city may, by an authorized officer, give reasonable notice based on the character of the hazardous condition, setting a deadline for commencing and accomplishing the cleanup or the city may proceed to procure cleanup services.

If the cost of the cleanup is beyond the capacity of the city to finance, the authorized officer shall report to the city council, and immediately seek any state or federal funds available for such cleanup.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0104 LIABILITY FOR CLEANUP COSTS.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0104.1 **The person having control over a hazardous substance shall** be strictly liable to the city for all of the following:
[Ord. No. 1555 Eff. Date 12-14-87]

27.0104.1(A) The reasonable cleanup costs incurred by the city as a result of the failure of the person having control over a hazardous substance to cleanup a hazardous substance or waste involved in a hazardous condition.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0104.1(B) The reasonable costs incurred by the city to evacuate people from the area threatened by a hazardous condition caused by the person having control over a hazardous substance.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0104.1(C) The reasonable damages to the city for the injury to, destruction of, or loss of city property, including parks and roads, resulting from a hazardous condition caused by the person having control over a hazardous substance, including the costs of assessing the injury, destruction or loss.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0105 NOTIFICATIONS.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0105.1 **A person** manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste, shall notify the Newton Fire Department of the occurrence of a hazardous condition as soon as

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possible, but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition.

The fire department shall notify the proper state office in the manner established by the state.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0105.2 **Any City Employee** or any member of a law enforcement agency, or any member of a city fire department who discovers a hazardous condition shall notify the fire department, which shall notify the appropriate city departments and the proper state office in the manner established by the state
[Ord. No. 1555 Eff. Date 12-14-87]

27.0106 **POLICE AUTHORITY.** If the circumstances reasonably so require, the police chief or the chief's representative may:
[Ord. No. 1555 Eff. Date 12-14-87]

27.0106.1 **Evacuate Persons** from their homes to areas away from the site of hazardous condition, and
[Ord. No. 1555 Eff. Date 12-14-87]

27.0106.2 **Establish Perimeters** or other boundaries at or near the site of a hazardous condition, and limit access to cleanup personnel.

27.0106.3 No person shall disobey an order of the police chief or any other peace officer/law enforcement officer issued under this section.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0107 **LIABILITY.** The city shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition. Unless the city is the person having control over a hazardous substance.
[Ord. No. 1555 Eff. Date 12-14-87]

27.0108 **PENALTY.** Any person violating any provision, section or paragraph of this chapter shall be guilty of a simple misdemeanor, and on conviction thereof be subject to the penalty provided by §1.0109, Code of Ordinances. Each day a violation occurs shall constitute a separate offense.
[Ord. No. 1555 Eff. Date 12-14-87]

**TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 28, NUISANCES
ARTICLE 1, PUBLIC NUISANCES**

Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02, Transferred to Chapter 13.0225.3

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TITLE 3, ENVIRONMENT AND HEALTH
CHAPTER 28, NUISANCES
ARTICLE 2, ADMINISTRATIVE ABATEMENT PROCEDURE

Hereby Repealed by Ord. No. 2037 Eff. Date 10-28-02

Saved for Future Use.

CHAPTER 29, RESERVED FOR FUTURE USE