

TITLE 4
PUBLIC HEALTH AND SAFETY

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PREFACE

This city code of the city of Sibley, as supplemented, contains ordinances up to and including ordinance 615-09, passed February 23, 2009. Ordinances of the city adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers, Inc.
Coeur d'Alene, Idaho

CHAPTER 1
VOLUNTEER FIRE DEPARTMENT

SECTION:

- 4-1- 1: Department Established; Purpose
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4-1-1: **DEPARTMENT ESTABLISHED; PURPOSE:** A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety and to answer all emergency calls for which there is no other established agency. (1976 Code §2.2-1.01)

4-1-2: **ORGANIZATION:** The department shall consist of the fire chief and such other officers and personnel as may be authorized by the council. (1976 Code §2.2-1.02)

4-1-3: **QUALIFICATIONS AND APPROVAL:** In no case shall any person be recruited, selected or appointed as a member of the department unless such person:

- A. Resident Citizen: Is a citizen of the United States and a resident of the city or intends to become a resident upon acceptance as a member of the department.

- B. Age: Is at least eighteen (18) years of age but not more than fifty nine (59) years of age at the time of appointment.
- C. Driver's License: Has a current, active Iowa driver's license.
- D. Language: Is able to read and write the English language.
- E. Alcohol And Drugs: Is not a drug addict or a drunkard.
- F. Character: Is of good moral character, as determined by a thorough investigation, and has not been convicted of a felony or a crime involving moral turpitude.
- G. Weight: Is of a weight proportional to height as determined by an examining physician.
- H. Vision: Has an uncorrected vision of not less than 20/100 in either eye; correctable to 20/20 and normal color vision.
- I. Hearing: Has normal hearing in each ear as determined by an examining physician. (1976 Code §2.2-1.03)
- J. Health: Prior to appointment and every five (5) years thereafter, has been examined by a physician to complete a workers' compensation physical form as required by the city of Sibley's workers' compensation carrier. The city shall have the right to choose the physician to complete the examination and the cost shall be paid by the city. A copy of the physical shall be kept on file. (Ord. 636-12, 5-14-2012)

No person, having otherwise qualified, shall be appointed to the department until such appointment is submitted to and approved by a majority of the council members. (1976 Code §2.2-1.04)

4-1-4: **OFFICERS:** The department shall elect a fire chief and such other officers as their constitution and bylaws may

provide, but the election of Chief shall be subject to the approval of the Council. In case of absence of the Chief, the officer next in rank shall be in charge and have and exercise all the powers of Chief. (1976 Code §2.2-1.07)

4-1-5: FIRE CHIEF:

- A. Oath: The Fire Chief, before entering upon the duties of his office, shall qualify for office by taking the oath prescribed by subsection 1-7-1B of this Code. (1976 Code §2.2-1.08)
- B. Powers and Duties: The Fire Chief shall have the following powers and duties:
 - 1. Generally: He shall perform all duties required of the Fire Chief by law¹ or ordinance.
 - 2. Enforce Laws: He shall enforce all ordinances and, where enabled, State laws regulating the following:
 - a. Fire prevention.
 - b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin and circumstances of fires.
 - d. The means and adequacy of exit in case of fire from halls, theaters, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
 - 3. Command: He shall be charged with the duty of maintaining the efficiency, discipline and control of the Fire Department. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.

1. I.C. §364.16.

- B) 4. Investigations: He shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of fifty dollars (\$50.00) or more was caused by such fire, or if he suspects arson, he shall report his findings to the State Fire Marshal, in writing, within one week after the fire. If he believes that a fire was started by design or if a death occurs as the result of a fire, he shall notify the State Fire Marshal immediately.

5. Right of Entry: He shall have the right, during reasonable hours and upon consent of the occupant, to enter any building or premises within his jurisdiction for the purpose of making such investigation or inspection which, under law or ordinance, he may consider necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

6. Property: He shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the Fire Department. (1976 Code §2.2-1.09)

4-1-6: DEPARTMENTAL RULES:

- A. Rules Established: The Fire Chief shall establish such rules, not in conflict with this Code and subject to the approval of the Council, as may be necessary for the operation of the Department including rules governing the following:

1. Rules of Conduct: The conduct and activity of members of the Department during regular and off-duty hours.

2. Communication: The procedures, use and care of the radio and other communication systems.

3. Training: The nature, time and attendance requirements for inservice training of members of the Department.

4. Emergencies: Temporary rules for the protection and functioning of the Department as may be necessary in the event of an emergency until such rules may be considered by the Council.

- A) 5. Other: Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the Department.

6. Penalties: The penalties which may be imposed for violation of established Departmental rules by members:

- B. Notice of Violation of Rules; Appeal:

1. Notice: The Fire Chief shall give written notice to any member charged with a violation of Departmental rules specifying the rule violated, the nature of the violation and the penalty to be imposed.

2. Appeal: A member of the Department charged with a violation of rules may request a hearing before the Council by filing notice of appeal with the Clerk within ten (10) days of receipt of notice of violation. The Council, at its next meeting, shall review the facts and affirm, modify or revoke the action of the Fire Chief. (1976 Code §2.2-1.10)

4-1-7: **CONSTITUTION:** The Department shall adopt a constitution and bylaws as it deems calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective must be approved by the Council. (1976 Code §2.2-1.11)

4-1-8: **INSURANCE:**

- A. Accidental Injury Insurance: The Council shall contract to insure the City against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing and medical attention for volunteer firemen injured in the performance of their duties as firemen whether within or outside the corporate limits of the City. All volunteer firemen shall be covered by the contract. (1976 Code §2.2-1.12)

- B. Liability Insurance: The Council shall contract to insure against liability of the City or members of the Department for injuries, death or property damage arising out of and resulting from the performance of Departmental duties within or outside the corporate limits of the City. (1976 Code §2.2-1.13)

4-1-9: **FIRES OUTSIDE THE CITY:** The Department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits. (1976 Code §2.2-1.14)

4-1-10: **MUTUAL AID:** Subject to approval by resolution of the Council, the Department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk. (1976 Code §2.2-1.15)

4-1-11: **TRAINING:** All members of the Department shall attend and actively participate in regular or special training drills or programs as directed by the Chief. (1976 Code §2.2-1.05)

4-1-12: **COMPENSATION:** Members of the Department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council. (1976 Code §2.2-1.06)

CHAPTER 2

SOLID WASTE CONTROL

ARTICLE A. GENERAL PROVISIONS

SECTION:

- 4-2A-1: Purpose
- 4-2A-2: Definitions
- 4-2A-3: Sanitary Disposal Required; Abatement
- 4-2A-4: Waste Storage Containers
- 4-2A-5: Toxic And Hazardous Wastes
- 4-2A-6: Prohibited Acts And Conditions
- 4-2A-7: Open Burning
- 4-2A-8: Recycling Program

4-2A-1: **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. 642-13, 6-24-2013)

4-2A-2: **DEFINITIONS:** For use in this chapter, the following terms are defined:

BACK YARD BURNING: The disposal of residential waste by open burning on the premises of the property where such waste is generated.

DISCARD: To place, cause to be placed, throw, deposit or drop.

EXECUTIVE DIRECTOR: The executive director of the state department of natural resources or his designee.

GARBAGE: All solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and con-

	suming of food or of material intended for use as food and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
LANDSCAPE WASTE:	Any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
LITTER:	Any garbage, rubbish, trash, refuse, waste materials or debris.
OPEN BURNING:	Any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.
OPEN DUMPING:	The depositing of solid wastes on the surface of the ground or into a body or stream of water.
OWNER:	In addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
RECYCLABLE MATERIALS:	A list of recyclables approved by Northwest Iowa Landfill & Recycling Center is available at the city of Sibley offices.
REFUSE:	Putrescible and nonputrescible wastes including, but not limited to, garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
RESIDENTIAL WASTE:	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.

RUBBISH:	All waste materials of nonputrescible nature.
RUBBLE:	Stone, brick or similar inorganic material.
SANITARY DISPOSAL:	A method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
SANITARY DISPOSAL PROJECT:	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.
SOLID WASTE:	Garbage, refuse, rubbish and other similar discarded solid or semisolid materials including, but not limited to, such materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste may include vehicles, as defined by subsection 321.1 of the code of Iowa.
TOXIC AND HAZARDOUS WASTES:	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.
YARD WASTES:	Debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps. (Ord. 642-13, 6-24-2013)

4-2A-3: **SANITARY DISPOSAL REQUIRED; ABATEMENT:** It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. If such accumulation becomes a nuisance, the city may proceed to abate the

nuisances in accordance with the provisions of section 4-3-4 of this title. (Ord. 642-13, 6-24-2013)

4-2A-4: WASTE STORAGE CONTAINERS: Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall at all times maintain in good order and repair portable containers provided by the city of Sibley for refuse in accordance with the following:

A. Container Specification:

1. Residential: The city shall provide waste containers to each residential customer, but such containers shall remain the property of the city of Sibley. If a waste container becomes unusable for waste collection or is lost, the customer will be responsible for a replacement container for a fee of fifty dollars (\$50.00). The replacement container will be delivered by the city of Sibley upon payment of the fee, and the container will remain the property of the city of Sibley. Customers moving to a new home shall not take the container to their new home. The total weight of the containers and contents may not exceed two hundred (200) pounds.

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

B. Nonconforming Containers: Solid waste placed at the curb in nonconforming containers will not be collected. All solid waste must be placed in a city of Sibley container or blue bag. Blue bags may only be used for extra garbage beyond what is held in the container and may be purchased at the city office for one dollar fifty cents (\$1.50) per bag. (Ord. 642-13, 6-24-2013)

4-2A-5: TOXIC AND HAZARDOUS WASTES¹:

A. 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.

1. See also subsection 4-2C-5A of this chapter.

- B. 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.
- C. Disposal: No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent to a place of safe deposit or disposal as prescribed by the proper city official. (Ord. 642-13, 6-24-2013)

4-2A-6: **PROHIBITED ACTS AND CONDITIONS:** It shall be unlawful for any person to:

- A. Health Hazard: 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.
- B. Fire Hazard: 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.
- C. Littering: Discard any litter onto or in any water or land; except, that nothing in this subsection 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.
- D. Open Dumping¹: 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 natural resources.
- E. Unlawful Use Of Containers: Deposit refuse in any solid waste container other than his own without the written consent of the owner of such containers.

1. See also section 4-2C-4 of this chapter.

- F. Unlawful Disposal: Dispose of refuse at any facility or location which is not an approved sanitary disposal project¹.
- G. 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.
- H. Unlawful Collection: Engage in the business of collecting, transporting, processing or disposing of refuse within the city without a contract therefor with the city or a valid permit therefor. (Ord. 642-13, 6-24-2013)

4-2A-7: **OPEN BURNING²:** The conditions below are exempted from this chapter and rules and regulations enacted thereunder:

- A. Cooking Of Food: Open fires used only for the cooking of food for human consumption, said fire shall be in a container specifically designed for food preparation.
- B. Flare Stacks: Flare stacks for the combustion of waste gases.
- C. Public Protection: Open burning is permitted if done in the performance of an official duty of any public health or safety officer.
- D. Training Fires: Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.
- E. Variances: This chapter shall not apply where a variance has been granted by the air quality commission of the state. (Ord. 642-13, 6-24-2013)

4-2A-8: **RECYCLING PROGRAM:** The city shall provide for the collection of recyclable materials in accordance with the rules and regulations of the recycling program as established by Northwest Iowa Landfill & Recycling Center.

1. See subsection 4-2C-3A of this chapter.

2. See also subsection 4-2C-3C1 of this chapter.

Recyclables shall be separated by the owner or occupant from all other solid waste, shall be prepared in accordance with said rules and regulations, shall be placed in recycling containers supplied or approved by the collector and set out for collection. Recycling is collected every Thursday and must be placed within five feet (5') of the curb by seven o'clock (7:00) A.M. The yellow recycling containers are to be used only for recycling and will not be collected if it contains anything other than recyclables. Recycling containers are available at the city office for twenty dollars (\$20.00). If you do not wish to purchase a recycling container you may use clear bags only, dark bags will not be collected. (Ord. 642-13, 6-24-2013)

CHAPTER 2

SOLID WASTE CONTROL

ARTICLE B. COLLECTION OF SOLID WASTE

SECTION:

- 4-2B-1: Definitions
- 4-2B-2: Collection Service
- 4-2B-3: Collector's License
- 4-2B-4: Collection Schedule; Entry Powers
- 4-2B-5: Collection Fees
- 4-2B-6: Placement Of Containers; Preparation Of Wastes
- 4-2B-7: Collection Vehicles

4-2B-1: **DEFINITIONS:** For use in this article, the following terms are defined:

COLLECTORS: Any person authorized by this article to gather solid waste from public and private places.

DWELLING UNIT: 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.

MULTIPLE-FAMILY DWELLING: A structure containing more than one dwelling unit.

PROPERTY SERVED: Any property which is being used or occupied and is eligible to receive refuse collection and disposal service as provided therein.

RESIDENTIAL PREMISES: 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.

**SINGLE-FAMILY
DWELLING:**

A structure containing one dwelling unit only.
(Ord. 643-13, 6-24-2013)

4-2B-2: COLLECTION SERVICE: The city shall provide for the collection of all refuse within the city. (Ord. 643-13, 6-24-2013)

4-2B-3: COLLECTOR'S LICENSE: No person shall engage in the business of collection, transporting, processing or disposing of solid waste other than his own within the city without first obtaining from the city an annual license for each vehicle or container to be used in accordance with the following:

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

1. The full name and address of the applicant and if a corporation the names and addresses of the officers thereof.
2. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
3. A complete description of the frequency, routes and method of collection and transportation to be used.
4. A statement as to the precise location and method of disposal of processing facilities to be used.

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

Bodily injury	\$50,000.00 each person \$100,000.00 each occurrence
Property damage	\$50,000.00

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

- C. License Fee: A license fee in the amount of twenty five dollars (\$25.00) for each vehicle or transport container to be used in the City shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded by the Clerk to the applicant.
- D. Issuance Of License; Term: If the Clerk, upon investigation, finds the application to be in order and determines that the applicant will collect, transport, process or dispose of refuse without hazard to the public health or damage to the environment and in conformity with law and ordinance, he shall issue the requested license to be effective for a period of one year from the date approved.
- E. License Denied; Appeal: If the Clerk refuses to issue a requested license, she shall notify the applicant, in writing, of the reasons for such refusal and of the right to appeal to the Council. The Council shall consider any appeals at its next regular meeting and may affirm, reverse or modify the determination of the Clerk.
- F. License Renewal: An annual license may be renewed simply upon payment of the required fee if operated in substantially the same manner as provided in the original application and by providing the Clerk with a current listing of vehicles, equipment and facilities in use.
- G. License Not Transferable: No license authorized by this article may be transferred to another person.
- H. License Number Displayed: All vehicles, mobile equipment or facilities operated by virtue of a license granted hereunder shall have prominently displayed thereon in a clearly visible manner the license number under which operated.
- I. Owner May Transport: Nothing herein is to be construed so as to prevent the owner from transporting refuse accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project. (Ord. 643-13, 6-24-2013)

4-2B-4: COLLECTION SCHEDULE; ENTRY POWERS: All refuse shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary but not less than once each week.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting refuse therefrom as required by this article. However, solid waste collectors shall not enter dwelling units or other residential buildings. (Ord. 643-13, 6-24-2013)

4-2B-5: COLLECTION FEES: The collection and disposal of refuse as provided by this article is declared to be a benefit to the property serviced or eligible to be served and there shall be levied and collected fees therefor in accordance with the following: (Ord. 664-17, 4-10-2017)

A. **Schedule Of Fees:** The fees for refuse collection and disposal services used or available shall be:

1. **Single-Family Rates:** For each single-family residence:

Effective	Per Month
October 1, 2018	\$19.75

2. **Multiple-Family Dwelling Rates:** For each dwelling unit of multiple-family dwelling:

Effective	Per Month
October 1, 2018	\$19.75

3. **Residential Unit Base Pricing:** This City will collect from each "residential premises" refuse placed in the authorized container as defined in subsection 4-2A-4A of this chapter at the normal rate charged for collection. All additional refuse shall be placed in bags obtained from the City of Sibley at a cost of one dollar fifty cents (\$1.50) per bag. Extra garbage not in blue City bags will be assessed an additional fee. (Ord. 673-18, 3-12-2018)

4. **Commercial Rates:** For each commercial premises:

Monthly scheduled commercial rates - two (2) yard capacity (dumpster) effective October 1, 2018:

Collections Per Week	Per Month
1	\$ 37.00
2	74.00
3	111.00
4	148.00
5	185.00

Monthly scheduled commercial rates - four (4) yard capacity (dumpster) effective October 1, 2018:

Collections Per Week	Per Month
1	\$ 70.00
2	140.00
3	210.00
4	280.00
5	350.00

Monthly scheduled commercial rates - six (6) yard capacity (dumpster) effective October 1, 2018:

Collections Per Week	Per Month
1	\$107.00
2	214.00
3	321.00
4	428.00
5	535.00

Monthly scheduled commercial rates - eight (8) yard capacity (dumpster) effective October 1, 2018:

Collections Per Week	Per Month
1	\$142.00
2	284.00
3	426.00
4	568.00
5	710.00

Weekly rental on all dumpsters - ten dollars (\$10.00).

Assess ten dollar (\$10.00) fee for items sticking out of dumpster.

Monthly scheduled and nonscheduled commercial service rates without bulk storage is thirty nine dollars (\$39.00) per month effective October 1, 2018.

The City Council of the City of Sibley shall approve any agreements for the collection of solid waste from commercial and/or industrial entities that exceed the number of collections or amount of waste not covered under the foregoing schedules. (Ord. 676-18, 3-26-2018)

5. Temporary Use Container:

Temporary use container (dumpster delivered to specific location) rates - two (2) yard capacity:

\$10.00 minimum per week container rental effective April 1, 2018

\$37.00 per collection per container effective October 1, 2018

Temporary use container (dumpster delivery to specific location) rates - four (4) yard capacity:

\$10.00 minimum per week container rental effective April 1, 2018

\$70.00 per collection per container effective October 1, 2018

Temporary use container (dumpster delivered to specific location)
rates - six (6) yard capacity:

\$10.00 minimum per week container rental effective April 1,
2018

\$103.00 per collection per container effective October 1, 2018

Temporary use container (dumpster delivered to specific location)
rates - eight (8) yard capacity:

\$10.00 minimum per week container rental effective April 1,
2018

\$136.00 per collection per container effective October 1, 2018

6. Additional Charges: Additional charges for the collection of solid waste may be added by the City's solid waste collectors as they deem reasonable.

- B. Rental Of Dumpsters: Dumpsters may not be rented long term unless they are being emptied on a regular basis and the customer is continuing to put out their regular weekly garbage in authorized container for residential solid waste. Dumpster rental may be limited to one week and can be removed at the discretion of the City of Sibley. A charge of ten dollars (\$10.00) will be assessed when collectors are asked to transport private dumpsters from one location to another.
- C. Payment Of Bills: All fees shall be due and payable under the same terms and conditions provided for payment for electric service; except, that the provisions of subsection D of this section shall be used to enforce collection of delinquent fees.
- D. Lien For Nonpayment: Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Auditor for collection in the same manner as Property Taxes. (Ord. 673-18, 3-12-2018)

4-2B-6: PLACEMENT OF CONTAINERS; PREPARATION OF WASTES:

- A. Placement Of Containers: Containers for the storage of wastes awaiting collection shall be placed at the curb or alley line by the

owner or occupant of the premises served by seven o'clock (7:00) A.M. Containers or other 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.

- B. **Bulky Rubbish:** Bulky rubbish which is too large or heavy to be collected in the normal manner or other refuse may be collected at the discretion of the collector upon request. Additional charges for the collection of bulky rubbish may be added by the City's solid waste collectors as they deem reasonable.
- C. **Tree Limbs, Brush And Yard Waste¹:** Tree limbs, brush and other yard waste shall be brought to the City Dump by the property owner and placed in the appropriate area. Yard waste shall be removed from bags when left at the dump. If the dump is locked due to abuse, the City must be contacted for access. (Ord. 643-13, 6-24-2013)

4-2B-7: **COLLECTION VEHICLES:**

- A. **Construction; Maintenance:** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.
- B. **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. 643-13, 6-24-2013)

1. See also subsection 4-2C-3C6b of this chapter.

CHAPTER 2**SOLID WASTE CONTROL****ARTICLE C. SOLID WASTE DISPOSAL****SECTION:**

- 4-2C-1: Definitions
- 4-2C-2: Sanitary Disposal Required
- 4-2C-3: Sanitary Landfills
- 4-2C-4: Open Dumping Prohibited
- 4-2C-5: Disposal of Hazardous Materials
- 4-2C-6: Exemptions from Provisions

4-2C-1: **DEFINITIONS:** For use in this Article, the following terms are defined:

OPERATOR	The person or agency authorized to conduct disposal operations at a public sanitary landfill or licensed private landfill.
PROCESSING FACILITY	Any incinerator, baler, shredder or similar facility or process employed to reduce the volume of, or change the characteristics of, solid waste prior to final disposal.
RESIDENT	In addition to any person residing in the City, any person occupying or using any commercial, industrial or institutional premises within the City.

SCAVENGING The collecting, picking up or gathering of discarded material no longer of value for its original purpose but which has value if reclaimed.

SITE Any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes. (1976 Code §3-4.0301)

4-2C-2: SANITARY DISPOSAL REQUIRED: Solid wastes generated or produced within the City shall be disposed of at a sanitary disposal or processing facility approved by the City and by the Executive Director of the Iowa State Department of Natural Resources. (1976 Code §3-4.0302; 1992 Code)

4-2C-3: SANITARY LANDFILLS:

A. **Public Sanitary Landfill Designated:** The sanitary landfill facilities operated by the Sioux, O'Brien and Osceola County Area Solid Waste Agency are hereby designated as the official Public Sanitary Landfill for the disposal of solid waste produced or originating within the City. (1976 Code §3-4.0307)

B. **Private Sanitary Landfills:** Any person may establish and operate a private sanitary landfill within the City for the disposal of his own solid waste; provided, he shall first have applied for and received a license from the City designating his site as licensed private sanitary landfill in accordance with the following:

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

a. The full name and address of the owner and operator.

b. The specific location of the site.

c. Agreement to operate the landfill in accordance with all local, County, State or Federal regulations now or hereafter adopted.

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

e. Attached to the application shall be a copy of any required federal, state, county or other local licenses or permits required for such operation.

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

g. An agreement of the applicant to maintain his landfill site and the vicinity in a safe and sanitary manner so as to prohibit the creation or maintenance of a nuisance.

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

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

4. License Renewals: A license may be renewed for additional one year periods upon payment of the required fee if operated substantially in the same manner as provided in the original application and in compliance with law¹ or ordinance.

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

6. Abatement Of Violations: If any private sanitary landfill is found to be operated in a manner detrimental to the health or welfare of the public or in violation of any of the provisions of this article, such violation may be abated in the manner as provided for the abatement of nuisances². (1976 Code §3-4.0308)

1. IC §455B.75 et seq.

2. See section 4-3-4 of this title.

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

1. Open Burning Restricted¹: Open burning shall be prohibited except when permitted by the rules of the Iowa air quality commission². Any burning to be conducted by a sanitary disposal project shall be at a location separate and distinct from the sanitary landfill.

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

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

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

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

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

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

b. Trees and tree limbs³, unless they have been cut into pieces not exceeding ten feet (10') in length.

1. See also section 4-2A-7 of this chapter.

2. IC §455B.10 et seq.

3. See also subsection 4-2B-6C of this chapter.

c. Burning materials or materials containing hot or live coals.
(1976 Code §3-4.0309)

4-2C-4: **OPEN DUMPING PROHIBITED¹:** No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him unless such place has been designated by the city as a licensed sanitary landfill, public sanitary landfill or an approved processing facility. (1976 Code §3-4.0303)

4-2C-5: **DISPOSAL OF HAZARDOUS MATERIALS:**

- A. Toxic And Hazardous Wastes²: Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the executive director of the Iowa state department of natural resources. (1976 Code §3-4.0305; amd. 1992 Code)
- B. Radioactive Materials: Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt. (1976 Code §3-4.0306)

4-2C-6: **EXEMPTIONS FROM PROVISIONS:** Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes, provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming. (1976 Code §3-4.0304)

1. See also subsection 4-2A-6D of this chapter.

2. See also section 4-2A-5 of this chapter.

CHAPTER 3

NUISANCES

SECTION:

- 4-3-1: Definition
- 4-3-2: Nuisances Prohibited
- 4-3-3: Examples Of Nuisances
- 4-3-4: Abatement Procedures
- 4-3-5: Abatement In Emergency
- 4-3-6: Enforcement
- 4-3-7: Civil Citation For Failure To Abide By This Chapter
- 4-3-8: Applicability

4-3-1: **DEFINITION:** When used in this chapter, "nuisance" shall mean whatever is injurious to health, indecent or unreasonably offensive to the senses or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property. (Ord. 659-16, 6-27-2016)

4-3-2: **NUISANCES PROHIBITED:** The creation or maintenance of a nuisance within the City of Sibley is prohibited and a nuisance may be abated in the manner provided for in this chapter and by State law. (Ord. 659-16, 6-27-2016)

4-3-3: **EXAMPLES OF NUISANCES:** The following are non-exhaustive examples of nuisances within the meaning of section 4-3-1 of this chapter:

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

- B. Filth Or Noxious Substance: The causing or suffering any offal, filth or noxious substance to be collected or to remain in any place to the prejudice of others.
- C. Water Pollution: The corrupting or rendering unwholesome or impure the water of any river, stream or pond or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
- D. Air Pollution: The emission of dense smoke, noxious fumes or fly ash.
- E. Obstructing Public And Private Ways: Obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
- F. Signs And Billboards Obstructing View: Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.
- G. Cottonwood Trees: Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.
- H. Dutch Elm Disease: Trees infected with Dutch elm disease.
- I. Grass, Weeds, Brush: Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety or fire hazard and all grass and weeds grown to a height in excess of six inches (6") on properties that are located within any Residential, Industrial or Commercial Zoning District as defined in the Sibley Zoning Code.
- J. Abandoned Appliances: The abandoning or otherwise leaving unattended of any refrigerator, ice box or similar container, with doors that may become locked, outside of buildings, or allowing any such refrigerator, ice box or similar container to remain outside of buildings on premises in the person's possession or control, abandoned or unattended.
- K. Storing Of Inflammable Junk: Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper by

dealers in such articles within the fire limits of the City, unless in a building of fireproof construction.

- L. Obstructing Airport Air Space: Any object or structure erected within one thousand feet (1,000') of the limits of any Municipal or regularly established airport or landing place which may endanger or obstruct aerial navigation, including take-off and landing. (Ord. 659-16, 6-27-2016)

4-3-4: **ABATEMENT PROCEDURES:** The Mayor, City Administrator and City Attorney are hereby authorized to institute abatement procedures pursuant to this chapter. These authorized Municipal representatives shall choose the appropriate procedure, depending on circumstances, from the following:

- A. Immediate Abatement Ordered With Property Owner Entitled To Request Hearing:

1. Notice To Abate: Whenever the authorized Municipal representative finds that a nuisance exists and that the appropriate method of abatement is reasonably ascertainable from the circumstances, the representative may cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

2. Contents Of Notice To Abate: The notice to abate shall contain:

- a. A description of what constitutes the nuisance or other condition.

- b. The location of the nuisance or condition.

- c. A statement of the act or acts necessary to abate the nuisance or condition.

- d. A reasonable time within which to complete the abatement.

- e. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the twenty (20) days of service of the notice, the City may abate it and assess the costs against such person.

The notice shall be in writing and shall be either sent by certified mail to the property owner at the address shown on the tax rolls of

the County, or delivered by personal service in the manner of service of original notices under the Iowa Rules of Civil Procedure.

3. Hearing Requested: Any person ordered to abate a nuisance pursuant to this subsection may request a hearing before the City Council as to whether a nuisance exists and the appropriate method of abatement. A request for a hearing must be made in writing and delivered to the City Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the City Council, with the Mayor presiding, at a time and place set by the City Council upon reasonable notice to the property owner. The findings of the Council shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances in such manner as the City Council may determine appropriate. Pursuant to Iowa law, evidence presented at the hearing may include hearsay if deemed reasonably reliable by the City Council.

4. No Hearing Requested: If no hearing is requested, it shall be conclusively presumed that a nuisance exists and it must be abated as ordered. In such a case, the City Council shall enter an order finding that a nuisance exists and ordering that the City or persons retained by the City take appropriate measures to abate the nuisance, if the property owner has not already done so.

B. Property Owner Provided Notice Of Hearing:

1. Notice Of Nuisance: Whenever the authorized Municipal representative finds that a nuisance exists, but ascertaining the reasonable method of abatement requires additional information from the property owner or from third parties, the representative may cause to be served upon the property owner a written notice of hearing pursuant to this subsection.

2. Application Of This Subsection: This subsection is intended to be used in situations, typically involving industrial property owners, where the appropriate method of abatement requires the application of specialized knowledge and/or requires that the City gather additional information which is in the control of the property owner or third parties to determine the appropriate method of abatement.

3. Contents Of Notice Of Nuisance: The notice of nuisance shall contain the following:

a. A description of what constitutes the nuisance or other condition.

b. The location of the nuisance or condition.

c. A date and time for hearing before the City Council, not less than twenty (20) days following issuance of the notice, at which the property owner or a representative shall appear for purposes of giving evidence or argument as to the existence of a nuisance.

d. A statement that at the hearing, if a nuisance is found to exist, the City Council will consider and determine the appropriate steps to take to gather any additional evidence needed to determine an appropriate method of abatement.

The notice shall be in writing and shall be either sent by certified mail to the property owner at the address shown on the tax rolls of the County or delivered by personal service in the manner of service of original notices under the Iowa Rules of Civil Procedure.

4. Hearing: At the hearing, the City Council with the Mayor presiding, shall receive evidence and argument as to the existence of a nuisance. The City Council shall also discuss and consider what additional information, if any, is needed for determination of an appropriate abatement method; what expertise may be needed to determine an abatement method and the potential cost and a date on which the City Council will meet to consider an appropriate interim order. The property owner and party in possession shall have the right to present evidence and argument and to be represented by counsel. Pursuant to Iowa law, evidence presented at the hearing may include hearsay if deemed reasonably reliable by the City Council.

5. Interim Order: The City Council may thereafter enter an interim order which finds that a nuisance exists and requires any or all of the following to occur by a certain date.

a. Producing written or digital information by the property owner or party in possession, which is reasonably calculated to lead to information pertinent to the appropriate method of abatement.

b. Advancing reasonable costs in escrow to the City to be used toward costs of any expert that the City reasonably deems necessary to evaluate the proper method of abatement.

c. Providing reasonable access to persons with knowledge who are within the control of the property owner or party in possession, to be interviewed regarding information pertinent to the appropriate method of abatement. The property owner, person in possession, or person interviewed will have the right to have counsel present during such interview. The person or counsel may cite the 5th Amendment or other legally recognized objection to testifying and refuse to answer questions. Absent a 5th Amendment objection or other legally recognized objection, such person shall answer the questions posed.

d. Any other reasonable requirement which advances the abatement process.

Any person or entity which fails to comply with the interim order shall be subject to suit in the Iowa District Court for Osceola County to compel compliance.

6. Administrative Subpoenas: The Municipal representatives authorized to issue notices under this section are also authorized to issue administrative subpoenas, commanding persons to appear to testify and/or commanding production of written or digital information.

7. Notice Of Final Hearing: At such time as the City Attorney determines that necessary information has been gathered, the City Council shall determine a final hearing date, not less than thirty (30) days in the future, at which the issue of abatement methods shall be heard. The City shall issue a notice of the date, time and place of hearing. The notice shall be in writing and shall be either sent by certified mail to the property owner at the address shown on the tax rolls of the County or delivered by personal service in the manner of service of original notices under the Iowa Rules of Civil Procedure.

8. Final Hearing: At the final hearing, the City Council with the Mayor presiding, shall receive evidence and argument as to the appropriate method of abatement of the nuisance. The City Council shall thereafter enter a final order which requires abatement in the manner it determines. The property owner and party in possession shall have the right to present evidence and argument and to be represented by counsel.

Any person or entity which fails to comply with the final order shall be subject to suit in the Iowa District Court for Osceola County to compel compliance. The City may also proceed pursuant to the pro-

visions of section 4-3-6 of this chapter in the alternative. (Ord. 659-16, 6-27-2016)

4-3-5: **ABATEMENT IN EMERGENCY:** If it is determined that an emergency exists by reason of the nuisance or condition the City may perform any action which may be necessary to protect the public under this chapter without prior notice. In that event the City shall then proceed as nearly as possible to the procedures under subsection 4-3-4A of this chapter. (Ord. 659-16, 6-27-2016)

4-3-6: **ENFORCEMENT:**

A. Action By City: If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

B. Costs:

1. Collection Of Costs: The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate and if the amount shown by the statement has not been paid within one month the Clerk shall certify the costs to the County Auditor. The costs shall then be collected with and in the same manner as general Property Taxes.

2. Installment Payments: If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest as benefited property. (Ord. 659-16, 6-27-2016)

4-3-7: **CIVIL CITATION FOR FAILURE TO ABIDE BY THIS CHAPTER:** Any person who violates any provision of this chapter shall be subject to civil citation pursuant to City ordinance. (Ord. 659-16, 6-27-2016)

4-3-8: **APPLICABILITY:** This chapter is applicable to all nuisance proceedings pending as of the date of its adoption or commenced thereafter. (Ord. 659-16, 6-27-2016)

CHAPTER 4

FIREWORKS¹

SECTION:

- 4-4-1: Definitions
- 4-4-2: Permit For Display Of Fireworks
- 4-4-3: Permit For Sale Of Fireworks
- 4-4-4: Application And Fee
- 4-4-5: Issuance And Expiration
- 4-4-6: Sales Limitations
- 4-4-7: Violations
- 4-4-8: Exceptions
- 4-4-9: Fireworks Limitations

4-4-1: DEFINITIONS:

For purposes of this chapter:

CONSUMER FIREWORKS:

Includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in chapter 100 of the Code of Iowa. "Consumer fireworks" does not include novelties enumerated in chapter 3 of the American Pyrotechnics Association's Standard 87-1 or display fireworks enumerated in chapter 4 of the American Pyrotechnics Association's Standard 87-1.

DISPLAY FIREWORKS:

Includes any explosive composition or combination of explosive substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and includes fireworks containing any explosive or flammable compound or other device containing any explosive substance. "Display fireworks" does not include novelties or consumer fireworks enumerated in chapter 3 of the American Pyrotechnics Association's Standard 87-1.

¹ IC §727.2.

NOVELTIES: Includes all novelties enumerated in chapter 3 of the American Pyrotechnics Association's Standard 87-1 and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission. (Ord. 678-18, 5-14-2018)

4-4-2: PERMIT FOR DISPLAY OF FIREWORKS:

- A. Supervised public exhibitions or displays shall be conducted only in accordance with section (4.1) of the American Pyrotechnics Association's Standard 87-1 along with any rules and regulations issued by the Fire Chief for the area included with the permit application boundaries of the City.
- B. Upon written application the City may grant a permit for the display of fireworks by a City agency, fair association or other organizations or groups as may be approved by the City and when such fireworks to be displayed are under the direct control of a licensed and competent operator. Any application shall have attached thereto proof of insurance with limits not less than two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) aggregate.
- C. No person shall use, explode, discharge, possess or display fireworks or consumer fireworks on any publicly owned property unless authorized under this section. (Ord. 678-18, 5-14-2018)

4-4-3: PERMIT FOR SALE OF FIREWORKS:

- A. No person, retailer, consumer group or otherwise shall sell, display or offer to keep for sale consumer fireworks within the City without a valid consumer fireworks seller license issued by the Iowa State Fire Marshal and a permit issued by the City providing evidence of insurance in the amount not less than two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate.
- B. The sale or display of fireworks shall be permitted within the City of Sibley only in a permanent or temporary building that meets the requirements of Iowa Code section, 100.19, upon receipt of consumer firework seller license as stated in Iowa Code section 100.19, upon receipt of documentation that the permanent and temporary building meets or exceeds the National Fire Protection Association (NFPA) standard 1124, published in the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic

Articles, 2006 edition, as required in Iowa Code section 100.19. No sale or display of fireworks shall occur within one hundred feet (100') of a public right-of-way or five hundred feet (500') of the following:

1. Any residential use, zoning district or area designated for residential use on the City's adopted future land use plan.
2. Schools, child day care centers, day nurseries and nursing schools.
3. Nursing homes, adult day care centers, hospitals and medical clinics.
4. Underground pipelines, local gas service facilities or any electrical transmission lines or electrical transformers. (Ord. 678-18, 5-14-2018)

4-4-4: APPLICATION AND FEE:

- A. A completed application on a form provided by the City shall be filed with the City Administrator. A fee of five hundred dollars (\$500.00) for the City fireworks permit shall be payable with the submissions of an application. Applications for permits for the selling period of June 1 through July 8 may be submitted starting May 2 of each calendar year. Permits for the selling period December 10 through January 3 may be submitted starting November 10 for the December-January period.
- B. An applicant shall provide all information required on the application, including any documentation required. In addition to a copy of a valid consumer fireworks seller license issued by the Iowa State Fire Marshal to the applicant and any additional information, if necessary to allow proper identification and contact information for the applicant. (Ord. 678-18, 5-14-2018)

4-4-5: ISSUANCE AND EXPIRATION:

- A. Upon receipt of proper application, additional requested documentation and fee, the application will be reviewed and voted upon by the Sibley City Council at a regular Council meeting. If complete and not in conflict with any State law, rules or regulations or any City ordinances, the Council shall issue a fireworks permit good for one year from the date of issuance. (Ord. 678-18, 5-14-2018)

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4-4-6: SALES LIMITATIONS:

- A. Firework sales shall only be conducted in accordance with dates and times designated by Iowa Code section 727.2. It shall be unlawful to sell fireworks without meeting the requirements specified in this chapter or to sell fireworks outside of the dates specified.
- B. No person shall sell fireworks to a person under the age of eighteen (18),
- C. Fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances. (Ord. 678-18, 5-14-2018)

4-4-7: VIOLATIONS:

All violations of any provisions of this chapter are hereby declared simple misdemeanors and/or Municipal infractions. Violations may be prosecuted as either a misdemeanor criminal offense or a Municipal infraction at the sole discretion of the Fire Chief or peace officer. Fines shall be set by ordinance of the City Council. Violations of this chapter shall be reported to the State Fire Marshal. (Ord. 678-18, 5-14-2018)

4-4-8: EXCEPTIONS:

This chapter does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theater or for signal purposes in athletic sports or by railroads or trucks for signal purposes or by a recognized military organization. This chapter does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes. (Ord. 678-18, 5-14-2018)

4-4-9: FIREWORKS LIMITATIONS:

- A. Consumer fireworks shall be allowed only in accordance with the State of Iowa regulations.
- B. The use of display fireworks, as defined by the State of Iowa, shall be prohibited within the City limits of Sibley without a valid permit. The City may issue a permit to any City agency, fair association or other non-profit organization or other group approved by the City Council when such display fireworks shall be discharged by a qualified operator.

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- C. A person shall not use or explode consumer fireworks on days other than June 24 through July 4 and December 31 and January 1 of each year.
- D. A person shall not use or explode consumer fireworks at times other than between the hours of twelve o'clock (12:00) P.M. and eleven o'clock (11:00) P.M. on permitted weekends, July 4 and December 3 and from twelve o'clock (12:00) P.M. and nine o'clock (9:00) P.M. on permitted weekdays.
- E. A person shall not use consumer fireworks on real property other than that person's real property or the real property of a person who has consented to the use of consumer fireworks on that property.
- F. No spent fireworks or fireworks debris may travel onto a neighboring property or any City owned property or any City right-of-way. All spent fireworks and fireworks debris must be picked up, cleaned up and removed from all properties within twenty-four (24) hours of a fireworks event.
- G. A person shall not use or explode consumer fireworks within fifty feet (50') of any dwelling unless the owner or tenant has given consent.
- H. A person shall not use or explode consumer fireworks in the direction of any dwelling or building that is within one hundred and fifty feet (150') unless the owner or tenant has given consent.
- I. No person shall discharge consumer fireworks if they are over the legal alcohol limit or by any person under the influence of drugs or narcotics.
- J. For purposes of this Section, a "dwelling" is any building or structure, permanent or temporary or any land, water or air vehicle, adapted for overnight accommodation of persons and actually in use by some person or persons as permanent or temporary sleeping quarters, whether such person is present or not.
- K. Consumer fireworks shall not be sold to anyone under eighteen (18) years of age.
- L. A person who violates this Section commits a simple misdemeanor, punishable by a civil fine of not less than two hundred and fifty dollars (\$250.00) but not more than seven hundred and fifty dollars (\$750.00) on the first offense and not less than two hundred and fifty dollars (\$250.00) but not more than one thousand dollars (\$1,000.00) on the second and repeat offenses. A court shall not order imprisonment for violations of this Section. A fine shall be imposed on a first and any subsequent offense. (Ord. 678-18, 5-14-2018; amd. Ord. 690-20, 10-12-2020; Ord. 691-21, 4-26-2021; Ord. 705-23, 6-26-2023)

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CHAPTER 5

REGULATION OF ACTIVITIES CAUSING AIR POLLUTION

SECTION:

- 4-5-1: Definitions
- 4-5-2: Open Burning
- 4-5-3: Exemptions
- 4-5-4: Incinerators
- 4-5-5: Compliance
- 4-5-6: Enforcement
- 4-5-7: Emergency Procedure
- 4-5-8: Penalty

- 4-5-1: **DEFINITIONS:** For use in this Chapter, the following terms are defined:

AIR CONTAMINANT: Any smoke, soot, fly ash, dust, cinder, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odorous substances, toxic substances, radioactive substances, waste matter, particulate matter, or any other material which by its presence in the atmosphere may constitute air pollution, excluding uncombined water.

AIR POLLUTION: The presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration that they are or may tend to be injurious to human, plant or animal life, or unreasonably interfere with the enjoyment of life, property or the conduct of business.

BACKYARD BURNING: The burning of rubbish originating on the premises by individuals domiciled on the premises.

CHIMNEY OR STACK:	Any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.
DUST:	Solid particles released into the air by natural forces or by mechanical processes.
EMISSION:	A discharge or release into the atmosphere of any air contaminant, or any substance which by chemical reaction may become an air contaminant.
FLY ASH:	Suspended particles, charred paper, dust, soot, or other partially incinerated or burned matter carried in the products of combustible refuse.
FUMES:	Solid particles generated by the condensation of vapors or gases that are of such character as to create an unclean, unhealthy or an offensive condition when airborne.
GARBAGE:	All solid and semi-solid putrescible and nonputrescible animal and vegetable wastes and other putrescible matter, excluding recognized industrial by-products.
HEALTH OFFICER:	A public official designated by the Council or local board of health to be responsible for the enforcement of this Chapter or a member of the local board of health or a police officer.
ODORS:	That property of an air contaminant detectable by the sense of smell.
PARTICULATE MATTER:	Material which is or has been suspended in air or other gases and is a liquid or solid at standard conditions of temperature (68°Fahrenheit) and pressure (14.7 pounds per square inch absolute).
PERSON:	Any individual, partnership, firm, public or private corporation, association, subdivision or agency of the State, or any other legal entity.

REFUSE:	Garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water carried trade wastes.
RUBBISH:	All waste materials of nonputrescible nature.
SALVAGE OPERATIONS:	Any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any project or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.
TRADE WASTE:	All solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products and other forms of liquid or solid waste materials. (Ord. 543-94, 10-24-1994)

4-5-2: OPEN BURNING:

- A. No person shall allow, cause or permit open burning of refuse, including trade wastes, nor shall any person conduct a salvage operation by open burning.
- B. No person shall burn garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter, as provided hereafter.
- C. No person shall burn leaves, branches or other plant material grown or deposited upon this property but shall gather such material and dispose of it at sites approved by the city, compost such material, or place it at points specified for the picking up and disposal of such material by authorized persons acting for the city. (Ord. 543-94, 10-24-1994)

4-5-3: EXEMPTIONS: The conditions below are exempted from this chapter and rules and regulations enacted thereunder:

- A. Cooking Of Food: Open fires used only for the cooking of food for human consumption, said fire shall be in a container specifically designed for food preparation.
- B. Flare Stacks: Flare stacks for the combustion of waste gases.
- C. Public Protection: Open burning is permitted if done in the performance of an official duty of any public health or safety officer.
- D. Training Fires: Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.
- E. Variances: This chapter shall not apply where a variance has been granted by the air quality commission of the state. (Ord. 581-02, 8-26-2002)

4-5-4: **INCINERATORS:** Equipment or facilities for the enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion and the stack shall have a screen sufficiently fine to prevent emission of particles of burning material. Such equipment or facilities shall not be installed until approved by the city manager, superintendent of sanitation or public works, city council, etc., and shall be maintained and operated so that no air pollution shall result, in accordance with state law and rules on air contaminants. (Ord. 543-94, 10-24-1994)

4-5-5: **COMPLIANCE:**

- A. Nothing in this chapter is intended to permit any practice which is a violation of any statute, ordinance or regulation.
- B. Nothing in this chapter shall prevent the health officer or council from making efforts to obtain voluntary compliance through warning, conference, or other means. (Ord. 543-94, 10-24-1994)

4-5-6: **ENFORCEMENT:**

- A. Negotiations: When the council has reason to believe that a violation of this chapter has occurred, it may enter into informal negotiations to resolve the problem. If, after a reasonable period of time, such

negotiations have failed to resolve the problem, the council may cause written notice to be served upon the alleged violator or violators.

B. Notice Served: The notice shall be served in the manner required for the service of notice of the commencement of a civil action in a district court, and shall contain:

1. A description of the condition constituting the alleged violation, including its location.

2. A statement of the act or acts necessary to prevent, abate, or control the alleged violation.

3. A reasonable time within which to complete the necessary corrective action.

4. A statements that if no request for a hearing is made within the time prescribed, the order shall become final and there shall exist a violation of this chapter.

5. A statement of the penalty for violation of this chapter.

C. Request For Hearing: Any such notice shall become a final order unless the person or persons named therein request in writing a hearing before the council. In lieu of such order the council may required that the alleged violator or violators appear before the council for a public hearing at a time and a place specified in the notice, not less than ten (10) days after service of such notice, to answer the charges complained of; or the council may institute action to abate the condition in the manner set by ordinance for health nuisances.

After the public hearing, the council shall, in writing, affirm, modify or rescind its order or issue an appropriate order or orders for the prevention, abatement or control of the condition involved. Such order shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the air pollution. (Ord. 543-94, 10-24-1994)

4-5-7: EMERGENCY PROCEDURE: If the council finds that any person is causing or contributing to air pollution which requires immediate action to protect the public health or safety, the council

shall order such person to reduce or discontinue immediately the air pollution, and cause such order to be served in the manner for commencing a civil action in district court, and such order shall be complied with immediately. Upon issuing such order, the council if requested in writing by the person so ordered, shall fix a time and place for a hearing to be held within a reasonable time thereafter. Not more than twenty four (24) hours after the conclusion of such hearing, the order shall be affirmed, modified or set aside. (Ord. 543-94, 10-24-1994)

4-5-8: **PENALTY:** Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days. (Ord. 543-94, 10-24-1994)

CHAPTER 6

WATER CONSERVATION

SECTION:

- 4-6- 1: Water Shortages
- 4-6- 2: Water Watch
- 4-6- 3: Water Warning - Level 1
- 4-6- 4: Water Warning - Level 2
- 4-6- 5: Penalties
- 4-6- 6: Water Emergency
- 4-6- 7: Base Allocation
- 4-6- 8: Appeal And Adjustment Of The Base Allocation
- 4-6- 9: Premium Rate For Imprudent Consumption
- 4-6-10: Adjustment Of Premium Rate Charges
- 4-6-11: Water Appeal Board
- 4-6-12: Municipal Infraction
- 4-6-13: Reduction In Flow Of Water To Any Person

4-6-1: **WATER SHORTAGES:** From time to time during and following drought conditions, or due to equipment failure, the city of Sibley water supply may become significantly and seriously depleted so that there will not be sufficient supply of water to meet all customary and usual demands. Under these conditions, the city council may find and declare by resolution a public water watch, water warning or water emergency during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until by resolution the city council finds and declares the water shortage condition to be ended:

- A. **Water Watch:** A water watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a water watch include: system operating at seventy five percent (75%) of pumping capacity; moderate decrease in the pumping water level of

wells or moderate decrease in recovery rate of water level in wells; moderate decrease in purchased water.

- B. **Water Warning:** A level 1 or level 2 water warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a level 1 water warning include: system operating at eighty five percent (85%) of pumping capacity; significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells or significant decrease in purchased water. Indicators of the need to impose a level 2 water warning include severe system emergencies such as a chemical spill; major system failure in feeder mains of treatment plant or water transmission mains.
- C. **Water Emergency:** A water emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a water emergency include: system operating at ninety five percent (95%) pumping capacity; serious decrease in recovery rate of water level in wells; serious decrease in purchased water. (Ord. 576-02, 3-25-2002)

4-6-2: **WATER WATCH:** Under a water watch, all customers of the city of Sibley are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

- A. No watering of lawns, shrubs or gardens between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
- B. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- C. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- D. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- E. Water should be served at restaurants only upon the request of the customer. (Ord. 576-02, 3-25-2002)

4-6-3: **WATER WARNING - LEVEL 1:** Under a level 1 water warning no person shall use potable purchased or processed water of the city of Sibley water service in any manner contrary to the following:

- A. Outdoor watering or irrigation of lawn is prohibited.
- B. Outdoor watering of any kind is prohibited between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. daily.
- C. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old and new seedling or sod is permitted once per week with an application not to exceed one inch (1").
- D. Car washing is prohibited except in commercial establishments that provide that service.
- E. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- F. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
- G. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
- H. Water shall be served at restaurants only upon the request of the customer.
- I. Use of water consuming comfort air conditioning equipment, which consumes in excess of five percent (5%) of the water circulating in such equipment, is prohibited.
- J. Tankload water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the city water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction. (Ord. 576-02, 3-25-2002)

4-6-4: WATER WARNING - LEVEL 2: Under a level 2 water warning no person shall use potable purchased or processed water of the city of Sibley in any manner contrary to the following:

- A. All outside water use, except for domestic, sanitation and fire, is prohibited.
- B. All commercial and industrial uses of water not essential in providing products or services are prohibited.
- C. Irrigation of agricultural crops is prohibited.
- D. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use, is prohibited.
- E. Water use not necessary for the preservation of life or the general welfare of the community is prohibited. (Ord. 576-02, 3-25-2002)

4-6-5: PENALTIES: The following penalties shall apply for violations of water warning use restrictions imposed under this chapter:

- A. First Violation: For a first violation, the city of Sibley shall issue a written notice of violation to the water user violating the water use restrictions imposed during a water warning or water emergency.
- B. Second Violation: For a second violation within a twelve (12) month period, a one month surcharge shall be imposed in an amount equal to fifty percent (50%) of the previous month's water bill.
- C. Subsequent Violations: For any subsequent violation within a twelve (12) month period, a one month surcharge shall be imposed in an amount equal to fifty percent (50%) of the previous month's water bill, and in addition, the city of Sibley shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee and has provided reasonable assurance that future violations of water warning or water emergency use restrictions will not occur. (Ord. 576-02, 3-25-2002)

4-6-6: WATER EMERGENCY: Under a water emergency, level 1 water warning use restrictions will be in effect, and in

addition, each customer will be afforded a monthly allocation of water. (Ord. 576-02, 3-25-2002)

4-6-7: **BASE ALLOCATION:** The base allocation of water for residential use shall be two thousand (2,000) gallons per household per billing period. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April). (Ord. 576-02, 3-25-2002)

4-6-8: **APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION:**
Any person may file an appeal with the water appeal board to adjust the base allocation amount. The water appeal board may grant an adjustment to the appellant based upon the following criteria:

- A. For single-family residential use, the base allocation may be increased by one thousand (1,000) gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
- B. For commercial, industrial or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer, such as usage, production, service or occupancy date provided by the customer. (Ord. 576-02, 3-25-2002)

4-6-9: **PREMIUM RATE FOR IMPRUDENT CONSUMPTION:** In addition to the water rates duly enacted by the city of Sibley, all persons shall pay a premium rate of ten dollars (\$10.00) per one thousand (1,000) gallons of water consumed in excess of the base allocation. (Ord. 576-02, 3-25-2002)

4-6-10: **ADJUSTMENT OF PREMIUM RATE CHARGES:** Any person may file for adjustment of the premium rate charges for imprudent water consumption with the water appeal board. The water appeal board may grant an adjustment of the premium rate charges in accordance with the following criteria:

- A. Adjustments may be granted for over consumption due to mechanical failures such as broken or leaky pipes or fixtures but not for over consumption due to human carelessness.

- B. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
- C. The adjustment shall be granted only for the billing period prior to the correction of the failure.
- D. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill, which shall include the premium rate charges and sales tax. (Ord. 576-02, 3-25-2002)

4-6-11: **WATER APPEAL BOARD:** A water appeal board shall be appointed during any water warning or water emergency. The water appeal board shall consist of the mayor, the city manager or city clerk, and the utilities superintendent. The water appeal board shall hear appeals of any action taken pursuant to a water warning or water emergency; except, that if a customer is charged with a municipal infraction relating to this chapter, that proceeding shall be conducted pursuant to Iowa Code section 364.22. (Ord. 576-02, 3-25-2002; amd. Ord. 590-04, 7-12-2004)

4-6-12: **MUNICIPAL INFRACTION:** A second or subsequent violation of the water warning or water emergency use restrictions by any person within a twelve (12) month period constitutes a municipal infraction. Any person who, in making application to the water appeal board for adjustment of the base allocation or premium charges, intentionally provides false or incorrect statements or information commits a municipal infraction. (Ord. 576-02, 3-25-2002)

4-6-13: **REDUCTION IN FLOW OF WATER TO ANY PERSON:** The superintendent is authorized, after giving notice and opportunity for hearing before the water appeal board to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a water warning or water emergency. (Ord. 576-02, 3-25-2002)