

TITLE 7
PUBLIC WAYS AND PROPERTY

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CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 7-1-1: Street Names
- 7-1-2: Vacation and Disposal of Streets and Alleys
- 7-1-3: Construction and Repair
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7-1-1: **STREET NAMES:**

A. Official Street Name Map:

1. Map Adopted: Streets within the City are named as shown on the Official Street Name Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Section.

The Official Street Name Map shall be identified by the signature of the Mayor and bearing the Seal of the City under the following words: *This is to certify that this is the Official Street Name Map referred to in Section 7-1-1 of the City Code of Sibley, Iowa. (1976 Code §8-1.0404)*

2. Revisions to Map: If, in accordance with the provisions of this Section, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the amendment has been approved with an entry on the Official Street Name Map as follows: *On (date) , by official action of the City Council, the following change(s) were made in the Official Street Name Map: (brief description) , which entry shall be signed by the Mayor and attested by the Clerk. No amendment to this Section*

which involves naming or changing the name of a street shall become effective until after such change and entry has been made on said Map. (1976 Code §8-1.0405)

- B. Naming New Streets: New streets shall be assigned names in accordance with the following:
 - 1. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
 - 2. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.
 - 3. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by ordinance. (1976 Code §8-1.0401)
- C. Name Changes: The Council may, by ordinance, change the name of a street. (1976 Code §8-1.0402)
- D. Recording Street Names: Following adoption of an ordinance naming or changing the name of a street, the Mayor and Clerk shall certify and file a copy thereof with the County Recorder and County Auditor. (1976 Code §8-1.0403)

7-1-2: VACATION AND DISPOSAL OF STREETS AND ALLEYS:

- A. Vacations:
 - 1. Authority: When, in the judgment of the Council, it would be in the best interest of the City to vacate a street or alley, or portion thereof, it may do so in accordance with the provisions of this Section. (1976 Code §8-1.0501)
 - 2. Recommendation of Vacation: Any proposal to vacate a street or alley shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Planning and Zoning Commission shall submit a written report, including recommendations, to the Council within thirty (30) days of the date the proposed vacation was referred to it. (1976 Code §8-1.0502)

3. Notice of Hearing: The Council shall cause to be published a notice of public hearing at which time the proposal to vacate shall be considered. In addition to published notice, notice shall be posted at least twice on each block along the street or alley proposed to be vacated not more than twenty five (25) days nor less than ten (10) days prior to the date set for the hearing. (1976 Code §8-1.0503)

4. Findings Required: No street or alley, or portion thereof, shall be vacated unless the Council find that:

a. The street or alley proposed to be vacated is not needed for the use of the public and, therefore, its maintenance at public expense is no longer justified.

b. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property. (1976 Code §8-1.0504)

B. Disposals:

1. Authority: When, in the judgment of the Council, it would be in the best interest of the City to dispose of a vacated street or alley, or portion thereof, it may do so by resolution following notice and hearing. (1976 Code §8-1.0505)

2. Disposal by Gift Limited: The City may not dispose of a vacated street or alley, or portion thereof, by gift except to a governmental body for a public purpose. (1976 Code §8-1.0506)

7-1-3: SIDEWALK CONSTRUCTION AND REPAIR:

A. Purpose: The purpose of this Section is to clarify the responsibilities of the City and the owners of abutting property for the construction, maintenance, repair, replacement, or reconstruction of sidewalks.

B. Definitions: As used in this Section, the following terms have these meanings:

BROOM FINISH: A sidewalk finish that is made by sweeping the sidewalk when it is hardening.

BUSINESS DISTRICT:	Shall have the same meaning as defined in Section 6-1-2 of this Code.
CITY OFFICIAL:	The City officer designated by the City Council to perform the duties prescribed in this Section.
DEFECTIVE SIDEWALK:	Any public sidewalk exhibiting one or more of the following characteristics: A. Vertical separations equal to three-fourths inch ($\frac{3}{4}$") or more. B. Horizontal separations equal to three-fourths inch ($\frac{3}{4}$") or more. C. Holes or depressions equal to three-fourths inch ($\frac{3}{4}$") or more and at least four inches (4") in diameter. D. Spalling over fifty percent (50%) of the surface of a single square of the sidewalk with one or more depressions equal to one-half inch ($\frac{1}{2}$") or more. E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths inch ($\frac{3}{4}$") or. more F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot. G. A sidewalk with any part thereof missing to the full depth. H. A change from design or construction grade equal to or greater than three-fourths inch ($\frac{3}{4}$") per one foot (1').
ESTABLISHED GRADE:	Grade established by this City for the particular area in which a sidewalk is to be constructed.

NEW CONSTRUCTION: All new construction of buildings listed in ordinance. Does not include accessory buildings to main building on lot.

ONE-COURSE CONSTRUCTION: That the full thickness of the concrete is placed at one time, using the same mixture throughout.

OWNER: The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, if any.

PORTLAND CEMENT: Any type of cement except bituminous cement.

SIDEWALK: All permanent public walks in business, residential or suburban areas.

SIDEWALK IMPROVEMENTS: The reconstruction, repair, replacement or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right of way in connection therewith.

WOOD FLOAT FINISH: A sidewalk finish that is made by smoothing the surface of the sidewalk with wooden trowel.

C. Standard Sidewalk Specifications: Sidewalks repaired, replaced or constructed under the provisions of this Section shall be of the following construction and meet the following standards:

1. Cement: Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction: Sidewalks shall be of one-course construction.

3. Sidewalk Base: Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three inch (3") sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed: The sidewalk bed shall be graded to the established grade.

5. Length, Width and Depth:

a. Residential sidewalks shall be at least five feet (5') wide and four inches (4") thick, and each section shall be no more than six feet (6') in length.

b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four inches (4") thick and no more than six feet (6') in length and width.

6. Grade: Curb tops shall be on level with the center line of the street which shall be the established grade.

7. Elevations: The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch ($\frac{1}{2}$ ") above the curb for each foot between the curb and the sidewalk.

8. Slope: All sidewalks shall slope one-quarter inch ($\frac{1}{4}$ ") per one foot (1') toward the curb.

9. Finish: All sidewalks shall be finished with a "broom" or "wood float" finish.

10. Located: Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to circumstances.

11. Ramps for Handicapped: There shall be not less than two (2) curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches (30") wide, shall be sloped at not greater than one inch (1") of the rise per twelve inches (12") lineal distance; except, that a slope no greater than one inch (1") of rise per eight inches (8") lineal distance may be used where necessary, shall have a nonskid surface and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically handicapped persons using the sidewalk.

D. Permits for Construction or Removal: A sidewalk shall be constructed within ninety (90) days of the completion of the construction of any new single family or multiple family dwelling, or business, commercial and public buildings, as well as all churches and schools. A building permit shall not be issued for new construction

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

- E. Failure to Obtain Permit; Remedies: Whenever any sidewalk improvements are made that do not conform to the provisions of this Section and with the specifications, or when any sidewalk improvements are made without a permit, the City official shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the City official, shall have the work completed and the costs assessed to the property owner as provided in subsection O of this Section.
- F. Inspection and Approval: Upon final completion, the proper City official shall inspect the work. He or she may order corrections if the work does not meet specifications. When the work does meet all requirements of this Section, the specifications, and the permit, the City official shall indicate this on both copies of the permit.
- G. Barricades and Warning Lights: Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

- H. Interference with Sidewalk Improvements: No person shall knowingly or wilfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove or deface any notice of warning device provided by this Section.
- I. Ordering Sidewalk Improvements: The proper City official may order the reconstruction, repair or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the City Council within fifteen (15) days of receipt of the notice.
- J. Repairing Defective Sidewalks: It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace or reconstruct all broken or defective sidewalks in the street right-of-way abutting his or her property. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the proper City official shall proceed to repair, replace or reconstruct the sidewalk. Upon completion of the work, the proper city official shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes.
- K. Notice of Inability to Repair or Barricade: It shall be the duty of the owner of the property abutting the sidewalk or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this Section.
- L. Notice of Assessment for Repair or Clearing Costs: When the proper City official submits a bill for sidewalk improvements or for removal of accumulations as provided in subsections D, I and K of this Section, the City Clerk shall send a notice of the facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the costs of the work that is being assessed, a description of the

property affected, and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which council will hear such objections. The time set for the hearing shall be at least fifteen (15) days after the service or mailing of the notice.

- M. **Hearing And Assessment:** At the time and place designated in the notice, the council shall consider all objections to the assessment, correct all errors or omissions and adopt a corrected list as the amounts to be assessed against the property.
- N. **Billing And Certifying To County:** Thirty (30) days after the council's decision, the city clerk shall certify any unpaid amounts to the county auditor. The unpaid assessments shall constitute a lien against the property and shall be collected by the county treasurer in the same manner as other taxes. Any assessment that exceeds one hundred dollars (\$100.00) may be paid in installments as set by council, not exceeding ten (10), in the same manner and at the same interest rates as for special assessments under chapter 384, division IV, code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the council determined the final amounts.
- O. **Prohibited Acts And Conditions:** It shall be unlawful for a person to:
 - 1. **Awnings; Standards:** Erect or maintain any awning over any sidewalk, unless all parts of the awning are elevated at least seven feet (7') above the surface of the street or sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.
 - 2. **Encroaching Steps:** Erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission, by resolution of the council.
 - 3. **Openings And Enclosures:**
 - a. **Stairs And Railings:** Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk or to enclose any portion of a sidewalk with a railing without permission, by resolution, of the council.

b. Openings: Keep open cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

c. Protect Openings: Neglect to properly protect or barricade all openings on or within six feet (6') of any sidewalk.

4. Fires: Make a fire of any kind on any sidewalk.

5. Fuel: Place or allow any fuel to remain upon any sidewalk.

6. Defacing: Scatter or place any paste, paint or writing on any sidewalk.

7. Debris Deposits: Throw or deposit on any sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal or any other debris or any other substance likely to injure any person, animal or vehicle.

8. Merchandise Displays; Sales Stands:

a. Place upon or above any sidewalk any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet (3') of the sidewalk next to the building be occupied for such purposes.

b. Erect or keep any stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the clerk.

P. Penalty: Anyone violating any of the provisions of this section shall be deemed guilty of a simple misdemeanor and, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding one hundred dollars (\$100.00). (Ord. 536-92, 10-12-1992)

7-1-4: EXCAVATIONS:

A. Permit Required: No person shall dig, excavate or in any manner disturb any street in the city, unless such person shall first obtain a permit therefor as hereinafter provided or as provided in other sections of this code.

- B. Application For Permit: Before such permit shall be granted, the person shall file with the city a written application. The application shall give an exact description of the property, by lot and street number, in front of or along which is desired to excavate, state the purpose and for whom and by whom the excavation is to be made and who will be responsible for the refilling of said ditch and maintaining the affected area in accordance with the excavation provisions of subsection 7-8-5F of this title.
- C. Permit Fee; Penalty For No Permit: A fee of thirty five dollars (\$35.00) shall be charged for the issuance of each permit. A penalty of ten dollars (\$10.00) per day shall be charged if the project is started without a permit.
- D. Bond: As a condition precedent to the granting of any such permit, such person seeking said permit or the workman or contractor engaged to perform the work shall file with the clerk a cash bond in the sum of fifty dollars (\$50.00), the condition of which shall be to hold the city harmless from any and all damage to persons and property that may occur by reason of the making of any such excavations and the further condition of which shall be to reimburse the city for any permanent damage to the street, alley, sidewalk or other public place caused by the making of said excavation. Said cash bond provided for herein may be returned promptly to the person, workman or contractor furnishing the same if there has been no damage to persons or property by the excavation and if the excavation has been properly completed. (Ord. 597-04, 9-13-2004)

7-1-5: SNOW AND ICE REMOVAL:

A. Dumping Of Snow And Ice In Streets:

1. It shall be unlawful for any person to throw, push or place, or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks or driveways onto the traveled way of streets so as to obstruct gutters or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district, it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or his agent and only after first making arrangements for such prompt removal, at the owner's cost, of the accumulation within a reasonably short time. (1976 Code §8-1.0106)

2. It shall be unlawful for the city to perform for property owners of commercial drives in the business district the service of removing snow from the streets which originated on said commercial drives. It is the responsibility of the property owner to make arrangements with the city for the removal of the snow and to promptly pay the city for the removal of the snow. The city shall charge to the property owners for the service amount equal to the actual cost to the city of performing this service. (Ord. 518-88, 11-14-1988)

- B. **Removal From Sidewalks:** It shall be the duty of the occupant or, if none, owner of any home or the proprietor of any business establishment to promptly remove the snow and ice from the sidewalks adjacent to the home or place of business. It shall be conclusively presumed that said occupant or, if none, owner or proprietor is in violation of this subsection should said snow and ice not be removed within the following time periods:

Residential areas - within 24 hours after snow stops falling.

Business areas - within 12 hours after snow stops falling.

Any person violating the provisions of this subsection shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days or a fine not exceeding one hundred dollars (\$100.00). In addition, the city may remove the snow and ice or cause to have the snow and ice removed and assess the cost thereof to the property owner. (Ord. 484-82, 10-4-1982)

7-1-6: PROHIBITED ACTS AND CONDITIONS:

- A. **Removal Of Warning Devices:** It shall be unlawful for a person to wilfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof. (1976 Code §8-1.0101)
- B. **Obstructing Or Defacing Streets:** It shall be unlawful for any person to obstruct, deface or injure any public road in any manner. (1976 Code §8-1.0102)

- C. **Placing Debris On Streets:** It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris, or any other substance likely to injure any person, animal or vehicle or which, if washed into the storm sewer, could clog the storm sewer. (Ord. 626-10, 9-13-2010)
- D. **Injuring New Pavement:** It shall be unlawful for any person to wilfully injure new pavement in any street, alley or sidewalk by wilfully driving, walking or making marks on such pavement before it is ready for use. (1976 Code §8-1.0104)
- E. **Playing In Streets:** It shall be unlawful for any person to coast, sled or play games on streets or highways except in the areas blocked off by the proper city official for such purposes. (1976 Code §8-1.0107; amd. 1992 Code)
- F. **Obstructions Of Streets, Driveways, Crossings And Sidewalks:** It shall be unlawful to join any group of persons on any sidewalk, driveway, crossing or street so as to obstruct the free passage thereon or the passage into any public or private building, place of business or church. (Ord. 607-08, 5-12-2008)

CHAPTER 2

TREES

SECTION:

- 7-2-1: Purpose
- 7-2-2: Definitions
- 7-2-3: Street Trees
- 7-2-4: Dutch Elm Disease Control

7-2-1: **PURPOSE:** The purpose of this Chapter is to beautify and preserve the appearance of the City by regulating and providing for the planting, care and removal of trees. (1976 Code §6-2.0101)

7-2-2: **DEFINITIONS:** For use in this Chapter, the following terms are defined:

PARKING That part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line, or on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

SUPERINTENDENT The Superintendent of Streets. (1976 Code §6-2.0101)

7-2-3: STREET TREES:**A. Planting Restrictions: No tree shall be planted in any street or parking except in accordance with the following:**

1. Alignment: All trees hereafter planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten feet (10') from the property line.

2. Spacing: Trees shall not be planted on the parking if it is less than nine feet (9') in width or contains less than eighty one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty feet (20') to street intersections (property lines extended) and ten feet (10') to driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.

B. Prohibited Trees: No person shall hereinafter plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm or evergreens. (1976 Code §6-2.0103)**C. Trimming Trees:**

1. Duty to Trim Trees: The owner or agent of the abutting property shall keep the trees on or overhanging the street trimmed so that all branches will be at least fifteen feet (15') above the surface of the street and eight feet (8') above the sidewalks. (1976 Code §6-2.0104)

2. Supervision: It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City. (1976 Code §6-2.0106)

3. Trees Trimmed by City; Costs: If the abutting property owner fails to trim the trees as required in this Section, the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. (1976 Code §6-2.0105)

- D. **Removal of Trees:** The Superintendent shall remove, on the order of the Council, any tree on the streets of the City which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased¹ or which constitute a danger to the public or which may otherwise be declared a nuisance. (1976 Code §6-2.0107)

7-2-4: DUTCH ELM DISEASE CONTROL:

- A. **Trees Subject to Removal:** The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch elm disease, hereby declares the following shall be removed:
1. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles, that is *Scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.)
 2. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide. (1976 Code §6-2.0201)
- B. **Duty to Remove:** No person shall permit any tree or material as defined in subsection A of this Section to remain on the premises owned, controlled or occupied by him within the City. (1976 Code §6-2.0202)
- C. **Inspections:** The Superintendent shall inspect or cause to be inspected all premises and placed within the City to determine whether any condition, as defined in subsection A of this Section, exists thereon and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles. (1976 Code §6-2.0203)
- D. **Removal of Diseased Trees:**
1. **Removal from City Property:** If the Superintendent, upon

1. See Section 7-2-4 of this Chapter.

D1) inspection or examination in person or by some qualified person acting for him, shall determine that any condition, as herein defined, exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City, and that the danger of other elm trees within the City is imminent, he shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease or the insect pests or vectors known to carry such disease fungus. (1976 Code §6-2.0204)

2. Removal from Private Property; Analyses: If the Superintendent, upon inspection or examination in person or by some qualified person acting for him, shall determine with reasonable certainty that any condition, as herein defined, exists in or upon private premises, and that the danger to other elm trees within the City is imminent, he shall immediately notify, by certified mail, the owner, occupant or person in charge of such property to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt thereof, the Council may cause the nuisance to be removed and the cost assessed against the property as provided in subsection 4-3-4D of this Code.

If the Superintendent is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, he is authorized to remove or cut specimens from said tree and obtain a diagnosis of such specimens. (1976 Code §6-2.0205)

CHAPTER 3

PUBLIC LIBRARY

SECTION:

- 7-3-1: Public Library Established
- 7-3-2: Contracting with Other Libraries
- 7-3-3: Nonresident Use of Library
- 7-3-4: Expenditures
- 7-3-5: Injury to Library Property

7-3-1: **PUBLIC LIBRARY ESTABLISHED:** The public library for the City shall be known as the "Sibley Public Library". It shall be referred to in this Chapter as the Library. (1976 Code §4-1.01)

7-3-2: **CONTRACTING WITH OTHER LIBRARIES:** The Board of Trustees of the Library¹ may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private organization, institution of higher learning, township or county or with the trustees of any county library district for the use of the library by their respective residents.

Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The

1. See Title 2, Chapter 3 of this Code.

petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract. (1976 Code §4-1.06)

7-3-3: NONRESIDENT USE OF LIBRARY: The Library Board may authorize the use of the Library by nonresidents in any one or more of the following ways:

- A. Lending: By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City or upon payment of a special nonresident library fee.
- B. Depository: By establishing depositories of Library books or other materials to be loaned to nonresidents.
- C. Bookmobiles: By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
- D. Branch Library: By establishing branch libraries for lending books or other Library materials to nonresidents. (1976 Code §4-1.07)

7-3-4: EXPENDITURES: All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Library Board, signed by its president and secretary. The check-writing officer is the Clerk. (1976 Code §4-1.08)

7-3-5: INJURY TO LIBRARY PROPERTY: It shall be unlawful for a person to wilfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room. (1976 Code §4-1.10)

CHAPTER 4

MUNICIPAL ELECTRIC SERVICE**SECTION:**

- 7-4-1: Purpose
- 7-4-2: Definitions
- 7-4-3: Service Rules Of The Municipal Electric Utility
- 7-4-4: Rate Classifications
- 7-4-5: Residential Service
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- 7-4-11: Bills For Service, Delinquencies And Other Service Fees
- 7-4-12: Prohibited Acts
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7-4-1: PURPOSE:

The purpose of this chapter is to provide for the operation of the Municipal electric utility. The provisions of this chapter, including service rules and regulations adopted in accordance with these provisions, shall apply to customers both inside and outside the City, whether or not such customer has a contract for electric service with the City. (Ord. 598-05, 5-23-2005)

7-4-2: DEFINITIONS:

For purposes of this chapter:

**CONSUMER OR
CUSTOMER:**

Means, in addition to any person or legal entity receiving electric service from the Municipal electric utility, the owner of the property served, and as between such parties the duties, responsibilities,

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liabilities and obligations hereinafter imposed shall be joint and several.

ELECTRIC UTILITY: All facilities of the Municipal electric utility for producing, transmitting and distributing electricity. (Ord. 598-05, 5-23-2005)

7-4-3: SERVICE RULES OF THE MUNICIPAL ELECTRIC UTILITY:

The Council shall adopt, by resolution, appropriate operating rules governing the Municipal electric utility, which shall be entitled "Service Rules of the Municipal Electric Utility". (Ord. 598-05, 5-23-2005)

7-4-4: RATE CLASSIFICATIONS:

The rate classifications for electric service to customers of the City shall be as follows:

Residential service

Commercial service

Industrial service (Ord. 598-05, 5-23-2005)

7-4-5: RESIDENTIAL SERVICE:

A. Residential service shall be supplied in accordance with the following:

1. Single-Family Residence: Available to a single-family private residence as sixty (60) cycle, singlephase service at a nominal voltage of one hundred fifteen (115) or one hundred and fifteen (115) to two hundred and forty (240) volts, furnished through one meter for domestic purposes only, including lighting, domestic appliances, heating, refrigeration, cooking and domestic power using single phase motors, five (5) hp or less. Any apartment or dwelling unit which has separate permanent kitchen facilities shall be considered as one single-family private residence for application of this rule.

2. Rate: The rates for residential service shall be:

	Effective			
	07/01/2023	07/01/2024	07/01/2025	07/01/2026
Monthly Meter Charge	\$12.45	\$13.24	\$13.90	\$14.65
Plus, all energy (per kWh)	\$0.0848	\$0.0878	\$0.0899	\$0.0929

(Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-6: **COMMERCIAL SERVICE:**

Commercial service shall be supplies in accordance with the following:

A. Availability: Available to any customer for general service at one location as sixty (60) cycle, single-phase and/or three-phase service through one meter at the secondary voltage available at the customer's locations.

B. Rates: The rate for commercial service shall be:

	Effective			
	07/01/2023	07/01/2024	07/01/2025	07/01/2026
Monthly Meter Charge	\$16.40	\$16.55	\$17.05	\$17.55
Plus, all energy (per kWh)	\$0.0966	\$0.0997	\$0.1027	\$0.1058

C. Power Factor Clause: The customer must maintain an average power factor as close to one hundred percent (100%) as possible but in no event less than ninety five percent (95%) lagging.

(Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-6-1: **LARGE COMMERCIAL SERVICE:**

Large commercial service shall be supplied in accordance with the following:

A. Availability: Available in Sibley, Iowa service territory.

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- B. Application: To commercial customers at one location as sixty (60) cycle, single phase or three-phase, three or four-wire service at a nominal voltage of 120/240, 120/208, 240/480, 277 /480 or four hundred eighty (480) volts with an average monthly demand greater than or equal to fifty kilowatts (50 kW) furnished through one meter for commercial power, heating and lighting. The lighting load, all gaseous tube, fluorescent lighting and induction furnaces shall be balanced on the three-phases. The customer must maintain an average power factor as close to one hundred percent (100%) as possible but in no event less than the following percentage: ninety percent (90%) - January 1, 2019; ninety-one percent (91%) - July 1, 2019; ninety-two percent (92%) - July 1, 2020; ninety three percent (93%) - July 1, 2021; ninety-four percent (94%) - July 1, 2022; ninety-five percent (95%) - July 1, 2023, leading or lagging. The City will supply the meter socket and metering equipment, any further upgrades to an existing service will be charged to the customer. The meter is owned by the City sealed, maintained and tested by the City.
- C. Metered Demand: The metered demand for any month shall be the maximum kilowatt demand established by the consumer for any fifteen (15)-minute interval during the month as indicated or recorded by a demand meter.
- D. Power Factor Adjustment: If the customer's average monthly power factor falls below the set amount, leading or lagging, the City may adjust the metered demand by the ratio of the set amount to the measured average monthly factor in percent.

Example:

$$\begin{aligned}\text{Metered demand} &= 739\text{kW} \\ \text{Average month power factor} &= 73.0\% \\ \text{Ratio} &= 90/73 = 1.2329 \\ \text{Adjustment demand} &= (739) (1.2329) = 911\text{kW}\end{aligned}$$

- E. Adjusted demand: The adjusted demand consists of the metered demand adjusted for power factor.

F. Rates: The rate for large commercial services shall be:

	Effective			
	07/01/2023	07/01/2024	07/01/2025	07/01/2026
Monthly meter charge	\$40.00	\$50.00	\$60.00	\$70.00
Plus, monthly demand ¹ (per kWh)	\$11.89	\$12.54	\$12.92	\$13.30
Plus, all energy (per kWh)	\$0.0572	\$0.0578	\$0.0600	\$0.0618
Note: 1. Adjusted demand 90% - January 1, 2019, 91 % - July 1, 2019, 92% - July 1, 2020, 93% - July 1, 2021, 94% - July 1, 2022, 95% - July 1, 2023.				

(Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-7: **INDUSTRIAL SERVICE:**

Industrial service shall be supplied in accordance with the following:

- A. Availability: Available in the Sibley, Iowa service territory.
- B. Application: To industrial customers at one location as sixty (60) cycle, as three-phase, three or four-wire service at a nominal voltage of 120/240, 120/208, 240/480, 277/480, 480 or 7200/12470 volts with an average monthly demand greater than or equal to one (1) megawatt furnished through one meter for industrial power. The customer must maintain an average power factor as close to one hundred percent (100%) as possible but in no event less than the following percent: ninety percent (90%) - January 1, 2019; ninety-one percent (91%) - July 1, 2019; ninety-two percent (92%) - July 1, 2020; ninety three percent (93%) - July 1, 2021; ninety-four percent (94%) - July 1, 2022; ninety-five percent (95%) - July 1, 2023, leading or lagging. The City will supply the meter socket and metering equipment, any future upgrades to an existing service will be charged to the customer. The meter is owned by the City, sealed, maintained and tested by the City.
- C. Metered Demand: The metered demand for any month shall be the maximum kilowatt demand established by the consumer for any fifteen (15)-minute interval during the month as indicated or recorded by a demand meter.
- D. Power Factor Adjustment: If the customer's average monthly power factor falls below a set amount, leading or lagging, the City may adjust the metered demand by the ratio of the set amount to the measured average monthly factor in percent.

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Example:

$$\begin{aligned}\text{Metered demand} &= 739\text{kW} \\ \text{Average month power factor} &= 73.0\% \\ \text{Ratio} &= 90/73 = 1.2329 \\ \text{Adjustment demand} &= (739) (1.2329) = 911\text{kW}\end{aligned}$$

E. Adjusted demand: the adjusted demand consists of the metered demand adjusted for power factor.

F. Rates: The rates for industrial service shall be:

	Effective			
	07/01/2023	07/01/2024	07/01/2025	07/01/2026
Monthly meter charge	\$77.11	\$77.50	\$79.80	\$82.20
Plus, monthly demand ¹ (per kWh)	\$11.41	\$12.07	\$12.40	\$12.77
Plus, all energy (per kWh)	0.042	0.0454	0.0468	0.0482
Note: 1. Adjusted demand 90% January 1, 2019; 91 % July 1, 2019; 92% July 1, 2020; 93% July 1, 2021; 94% July 1, 2022; 95% July 1, 2023.				

G. Rate Adjustment: The above rates will be subject to adjustment if the USBR and transmission line rates to the City are increased. (Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-8: CITY GOVERNMENT AND STREET LIGHTING:

City services and street lighting shall be provided in accordance with the following:

	Effective			
	07-01-2023	07-01-2024	07-01-2025	07-01-2026
Energy Charge (per kWh)	\$0.0596	\$0.0622	\$0.0643	\$0.0662

- A. Availability: Available in Sibley, Iowa.
- B. Application: To City government customers at one location as sixty (60) cycle, single phase or three-phase, three or four-wire service at a nominal voltage 120/240, 120/208, 240/480, 277/480 or four hundred eighty (480) volts with an average monthly usage less than one (1) megawatt furnished through one

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meter for City government power, heating, and street lighting. The lighting load shall be balanced on the three-phases. All gaseous tubed, fluorescent lighting and induction furnaces shall be power factor corrected to ninety five percent (95%) or above. (Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-8-1: SALES FOR RESALE:

Bigelow, Minnesota from, rate:

A. Availability: Available to Bigelow, Minnesota from Sibley, Iowa.

B. Rates: The rate for sales for resale shall be:

	Effective			
	07-01-2023	07-01-2024	07-01-2025	07-01-2026
Monthly meter charge	\$77.11	\$77.50	\$79.80	\$82.20
Plus, monthly demand ¹ (per kW)	\$11.53	\$11.53	\$11.53	\$11.53
Plus, all energy(per kW)	0.0446	0.0477	0.0500	0.0525
Note: 1. Adjusted demand 90% January 1, 2019; 91 % July 1, 2019; 92% July 1, 2020; 93% July 1, 2021; 94% July 1, 2022; 95% July 1, 2023.				

C. Metered Demand: The metered demand for any month shall be the maximum kilowatt established by the maximum kilowatt demand established by the consumer for any fifteen (15)-minute interval during the month as indicated or recorded by a demand meter.

D. Power Factor Adjustment: If the customer's average monthly power factor falls below a set amount, leading or lagging, the City may adjust the metered demand by the ratio of the set amount to the measured average monthly factor in percent.

Example:

$$\begin{aligned}
 \text{Metered demand} &= 739\text{kW} \\
 \text{Average month power factor} &= 73.0\% \\
 \text{Ratio} &= 90/73 = 1.2329 \\
 \text{Adjustment demand} &= (739) (1.2329) = 911\text{kW}
 \end{aligned}$$

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- E. Adjusted Demand: The adjusted demand consists of the metered demand adjusted for power factor. (Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-8-2: DISTRIBUTED GENERATION FACILITY:

Distributed generation facility service shall be supplied in accordance with the following:

- A. Availability: Available in Sibley, Iowa service territory.
- B. Application: According to the Standard Application Form and Interconnection Agreement.
- C. Rates: The rates for produced energy at avoided cost for distributed generation facility service shall be:

	Effective Jul 1, 2018
Plus, all produced energy kW	\$0.0506

(Ord. 679-18, 6-11-2018; amd. Ord. 702-23, 5-8-2023)

7-4-9: EXTENSION POLICIES (GENERAL):

The City shall provide electric service to all persons located within its service territory. As a condition of service, each customer, including customers living outside the corporate limits, shall agree to observe all rules and regulations established by the City Council for the operation of the Municipal electric system.

- A. Standard And Three-Phase Service Extensions: Underground lateral service extensions shall be installed by the customer in accordance with standards established by the utility. Connection of the service to the distribution system shall be made only by authorized utility personnel.
- B. Extensions Of Trunk Lines And Lateral Service Extensions At Primary Voltages: An advance for construction costs may be required from the customer for lateral service extensions at primary voltages and for trunk line extensions as follows:
1. The utility will construct, own and maintain the service extension to the point of attachment.

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2. The customer shall provide a cash advance for construction in an amount equal to that portion of the total cost of construction exceeding three (3) times the estimated annual base revenue to be derived by the utility. Estimated base revenue will be calculated by subtracting the average cost of purchased power from estimated annual revenues.
 3. The advance shall be credited to the customer's account in equal monthly installments over a ten (10) year period. Any balance remaining upon termination of the service by the depositor shall revert to the utility.
- C. Extensions To New Subdivisions: Extensions to newly platted subdivisions of four (4) or more lots may require a contribution in aid of construction or an advance for construction costs in an amount determined by the Utility Governing Body. In making the determination, the Governing Body shall consider estimated construction costs, estimated revenue, and contributions required from similarly situated customers. (Ord. 598-05, 5-23-2005)
- D. Underground Service Extensions To New Structure: Underground service laterals are required for all new structures in areas zoned for residential buildings, except where the utility determines that underground installations are technically or economically undesirable. The utility will provide up to one hundred fifty feet (150') of the required conductor up to 4/0 aluminum triplex and the proper size conduit. The customer shall be responsible for the installation of the underground service by a qualified electrician.

The utility will designate a junction point for the connection of the customer's secondary underground service lateral. The junction point will be a service pedestal or junction box, the terminals of the pad-mounted transformer, or a meter enclosure. For residential service extensions, the utility will install, own, operate and maintain all facilities on the source side of the junction point, including the junction enclosure and connections. The customer will install, own, operate and maintain all secondary cables, conduit and related service equipment specified by the utility. For commercial service extensions, the customer may be required to install a transformer pad, constructed to utility specifications. (Ord. 662-17, 3-13-2017)

All utility easements requested by the utility to provide service to the designated junction point shall be granted to the utility by the customer, without cost. (Ord. 598-05, 5-23-2005)

- E. Underground Service In Overhead Areas: The utility will provide up to one hundred fifty feet (150') of the required conductor up to 4/0 aluminum triplex and the proper size conduit. The customer (homeowner) shall be responsible for the installation of the underground service by a qualified electrician. The customer (homeowner) may apply for a loan for service upgrades up to two thousand

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dollars (\$2,000.00). The loan amount, after the customer's (homeowner's) approval, will be paid directly to the qualified electrician. The maximum loan period shall be no more than sixty (60) months.

- F. Security Lighting: Security lighting shall be installed as per Service Agreement for Security Lighting (Metered) and/or Service Agreement for Security Lighting (Unmetered). (Ord. 662-17, 3-13-2017)

7-4-10: SALES AND USE TAX REQUIRED:

The current Iowa Sales and Use Tax applicable to nonexempt service rendered shall be added to the monthly bills calculated under these rate schedules. (Ord. 598-05, 5-23-2005)

7-4-11: BILLS FOR SERVICE, DELINQUENCIES AND OTHER SERVICE FEES:

- A. Billing: Bills for electric service shall be due and payable in accordance with the following:

1. Due Date: A bill shall be due and payable when rendered and shall be considered delinquent after twenty (20) days from the time it is rendered. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address of the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 1.5 percent per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment.

Each account shall be granted one complete forgiveness of a late payment penalty in each calendar year. The customer shall be informed of the use of the automatic forgiveness by phone or in person, by posting to the next bill, or by separate mailing.

The date of delinquency for all residential customers and for other customers whose consumption is less than three thousand (3,000) kWh per month, shall be changeable for cause in writing.

- B. Service Connection Fee: A service connection fee of forty dollars (\$40.00) shall apply to each new service connection and to reconnection of service to premises where service has been disconnected and is being reconnected for a new customer.

- C. Interest On Customer Deposits: No interest shall be paid on customer deposits.
- D. Temporary Disconnection/Reconnection: Temporary disconnection and reconnection of service for the convenience of the customer shall be made during normal business hours of the utility without charge. A service charge equal to the direct costs of labor shall apply after normal business hours.
- E. Service Calls: The customer shall be charged for the direct costs of labor and materials for each service call where the trouble is found to be on the customer's side of the meter. The customer shall be advised to contact a qualified electrician or contractor to remedy the problem.
- F. Customer Requested Meter Tests: A charge of fifty dollars (\$50.00) shall apply to customer requested meter tests, where the meter is found to be within the allowable tolerance.
- G. Returned Check Charge: A service charge of thirty dollars (\$30.00) shall apply to every check returned unpaid by the bank on which it was drawn.
- H. Posting Of Notices: A posting fee of thirty dollars (\$30.00) shall be charged whenever it is necessary for utility employees to post a notice for disconnection of service.
- I. Service Disconnection/Reconnection Fee: When service is disconnected because of an act or omission by the customer or because of nonpayment of a bill or deposit, the customer shall be required to pay a disconnection charge of forty dollars (\$40.00) and a reconnection charge of forty dollars (\$40.00). A direct cost of labor shall apply whenever reconnection is required after the normal business hours of the utility.
- J. Basis Of Cost: Where the cost of labor is to be assessed to a customer, the cost for work performed during regular business hours of the utility shall be based on the hourly rate earned by that employee. For work performed after regular business hours the costs shall be based on one and one-half ($1\frac{1}{2}$) times the hourly rate earned by that employee. Work performed after regular business hours shall be a minimum of two (2) hours per employee. For services performed for the utility by contract the customer shall be billed for the full cost to the utility, plus an administrative charge of five percent (5%).

Where the cost of materials is to be assessed to the customer, the cost shall be deemed to be the replacement cost at the time of installation. (Ord. 598-05, 5-23-2005; amd. Ord. 662-17, 3-13-2017; Ord. 679-18, 6-11-2018; Ord. 694-21, 10-11-2021)

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7-4-12: PROHIBITED ACTS:

- A. Resale Of Electricity: Service taken under the rate schedule shall not be resold.
- B. Interference With Service: Uses of electric service which cause disturbances on the electric distribution system and interference with service to other customers will not be allowed. (Ord. 598-05, 5-23-2005)

7-4-13: COMPLIANCE WITH CODES AND RULES:

Wiring, electrical installation and equipment service must be in accordance with applicable Electric Codes and the rules of the Sibley Electric Department. New or upgraded electric services must pass inspection by the Iowa Department of Public Safety electrical inspector before reconnection. The utility reserves the right to refuse service to customers not in compliance with this provision. (Ord. 662-17, 3-13-2017)

CHAPTER 5

RAILROADS

SECTION:

- 7-5-1: Definitions
- 7-5-2: Warning Signs and Signals
- 7-5-3: Time Limit for Obstructing Streets
- 7-5-4: Speed Limit at Crossings
- 7-5-5: Crossings Maintained

- 7-5-1: **DEFINITIONS:** For use in this Chapter, the following terms are defined:

OPERATOR Any individual, partnership, corporation or other association that owns, operates, drives or controls a railroad train.

RAILROAD TRAIN Any stream, electric or other motor-driven engine and the cars, if any, coupled to the engine operated on rails but does not include interurbans and streetcars. (1976 Code §8-3.01)

- 7-5-2: **WARNING SIGNS AND SIGNALS:**

- A. Operators shall sound a bell at least one thousand feet (1,000') before a street crossing is reached and shall ring the bell continuously until the crossing is passed. Operators also shall sound a whistle at least one hundred feet (100') before reaching every

- A) intersection of the track and street, sidewalk, alley or similar public crossing within the City limits, unless such crossing is protected by a mechanical warning device or flagman as required under Section 7-5-3 of this Chapter. (1976 Code §8-3.02; 1992 Code)
- B. Operators shall erect and maintain nonmechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits except where some mechanical sign, signal, device or gate or flagman is required by resolution of the Council. Such nonmechanical signs shall be of a height and size and utilize such lettering as to give adequate warning of such crossing. Whenever the Council shall deem it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate should be erected and maintained or flagman stationed at any street or other public crossing, the Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain such sign, signal, device or gate or to station a flagman at such crossing at the expense of such company or companies. Any required flagman shall be stationed at such crossing during the periods of time of each day that the Council shall designate. The resolution shall specify the street or other public crossing at which the sign, signal, device or gate shall be erected or flagman stationed. After the resolution has been adopted, a copy shall be served the railroad company with a notice of the time limit for compliance. (1976 Code §8-3.03)

7-5-3: TIME LIMIT FOR OBSTRUCTING STREETS: Operators shall not obstruct with a railroad train or with standing railroad cars any street, alley, sidewalk or similar public crossing for any period greater than five (5) minutes. This provision shall not apply to railroad trains stopped at stations to load and unload passengers or to trains constantly in motion. (1976 Code §8-3.04)

7-5-4: SPEED LIMIT AT CROSSINGS: It shall be unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than twenty five (25) miles per hour. (1976 Code §8-3.07)

7-5-5: **CROSSINGS MAINTAINED:** Operators shall construct and maintain good, sufficient and safe crossings over any street traversed by their rails. (1976 Code §8-3.05)

CHAPTER 6

WATER USE AND SERVICE**SECTION:**

- 7-6-1: Definitions
- 7-6-2: Utilities Superintendent
- 7-6-3: Service Connections And Pipe Installations
- 7-6-4: Authority To Turn On Water
- 7-6-5: Maintenance And Repair
- 7-6-6: Meters
- 7-6-7: Rates And Charges
- 7-6-8: Violations; Water Shut Off

7-6-1: **DEFINITIONS:** For use in this chapter, the following terms are defined:

CONSUMER: Any person receiving water service from the city.

SUPERINTENDENT: The utilities superintendent or his duly authorized assistant, agent or representative.

WATER MAIN: A water supply pipe provided for public or community use.

WATER SERVICE PIPE: The pipe from the water main to the building served.

WATER SYSTEM OR WATERWORKS: All public facilities for securing, collecting, storing, pumping, treating and distributing water. (Ord. 590-04, 7-12-2004)

7-6-2: **UTILITIES SUPERINTENDENT:** The council shall appoint a utilities superintendent who shall supervise the installation of water service pipes and their connection to the water main and enforce all

regulations pertaining to water services in the city in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The superintendent shall make rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the council. In the event of an emergency, he may make temporary rules for the protection of the system until due consideration by the council may be had. (Ord. 590-04, 7-12-2004)

7-6-3: SERVICE CONNECTIONS AND PIPE INSTALLATIONS:

A. Connection Permit:

1. Permit Required: Before any person shall make a connection with the public water system, a written permit must be obtained from the clerk.

2. Application For Permit: The application for the permit shall be filed with the clerk on blanks furnished by him. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work and the general uses of the water. No different or additional uses will be allowed except by written permission of the clerk. The clerk shall issue the permit, bearing his signature and stating the time of issuance, if the proposed work meets all the requirements of this chapter, and if all fees required under this chapter have been paid.

3. Permit And Connection Fees: The person who makes the application shall pay fifty dollars (\$50.00) to the clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work. A connection fee of one hundred dollars (\$100.00) for residential/commercial property and two hundred fifty dollars (\$250.00) for industrial property shall also be paid at this time.

4. Time Limit: Work under any permit must begin within six (6) months after it is issued.

5. Revocation Of Permit: The clerk may, at any time, revoke the permit for any violation of this chapter and require that the work be stopped. (Ord. 594-04, 9-13-2004)

B. Liability For Connection Costs: The connection cost shall be paid by the property owner with the city making the installation from the main

to and including the curb stop and billing the owner therefor for the actual cost to the city. (1976 Code §6-1.0105)

C. Cost Share Installation Of New Service Lines:

1. Lead Service Lines: The city council has made a policy to cost share the installation of new service lines from the main to the curb shutoff for property where the existing service line is lead.

City Will Furnish

Copper water line
Sawing of street
Adaptor fittings

Replace concrete or asphalt
tap to city main

Property Owner Will Furnish

Digging and plumbing
Backfilling and tamping
Curb box and stop (if
needed)

It shall be the policy of the city not to allow repair or hookup of any property to a lead service line as required by state laws.

2. Winter Freeze Up Problems: The city council has made a policy to cost share the installation of new service lines from the main to the curb shutoff for property where water lines freeze up during cold winter weather.

City Will Furnish

Copper water line
Sawing of street
Adaptor fittings

Replace concrete or asphalt

Property Owner Will Furnish

Digging and plumbing
Backfilling and tamping
Curb box and stop (if
needed)

In addition the city council has set a policy that any water allowed to run through faucets to keep the line from freezing will be charged to the user at the regular rates. (Council decision, 6-7-1989)

D. Plumbing Work:

1. Compliance with Plumbing Code: The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code. (1976 Code §6-1.0106)

2. Plumber Required: All installations of water service pipes and connections to the water system shall be made by a competent plumber. (1976 Code §6-1.0107)

E. Specifications:

1. Tapping Mains: All taps into water mains shall be made under the direct supervision of the Superintendent and in accordance with the following:

a. Independent Services: No more than one house, building or premises shall be supplied from one tap, unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.

b. Corporation Cock: A brass corporation cock of the pattern and weight approved by the Superintendent shall be inserted in every tap in the main. The corporation cock in the main shall, in no case, be smaller than one size smaller than the service pipe.

c. Location Record: An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as he shall require. (1976 Code §6-1.0109; 1992 Code)

2. Installation of Water Service Pipe: Water service pipes from the public main to the curb stop shall be standard weight type K copper or approved cast iron. Pipe must be laid sufficiently waving and to such depth as to prevent rupture from settlement or freezing. Any water service pipe two inches (2") in size or less shall be placed inside an approved sleeve from above floor level to two inches (2") outside the structure's foundation when the water service pipe runs more than three feet (3') under a concrete floor.

- E2) The earth side of the sleeve shall be sufficiently sealed to keep out moisture, rodents or other foreign matter. (Ord. 478-82, 4-12-82)

3. Shut-Off Valves:

a. Curb Stops: There shall be installed a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. (1976 Code §6-1.0111)

b. Interior Stop and Waste Cock: There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others. (1976 Code §6-1.0112)

- F. Excavations: All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable provisions of subsection 7-8-5F of this Title. (1976 Code §6-1.0108)
- G. Inspection and Approval: All water service pipes and their connections to the water system must be inspected and approved, in writing, by the Superintendent before they are covered and he shall keep a record of such approvals. If he refuses to approve the work, the plumber or property owner must proceed immediately to correct the work so that it will meet with his approval. Every person who uses or intends to use the Municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority. (1976 Code §6-1.0113)
- H. Failure to Complete Installation or Connection: Should any excavation be left open or only partly refilled for twenty four (24) hours after the water service pipe is installed and connected with the water system or should the work be improperly done, the

Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, he must pay the costs before he can receive another permit. If the property owner is assessed, such assessment shall be collected with and in the same manner as general Property Taxes. (1976 Code §6-1.0114)

- I. **Abandoned Connections:** When an old water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight. (1976 Code §6-1.0103)

7-6-4: AUTHORITY TO TURN ON WATER:

It shall be unlawful for any person except the Utilities Superintendent to turn water on at the curb stop. (Ord. 590-04, 7-12-2004)

7-6-5: MAINTENANCE AND REPAIR:

It shall be the responsibility of the owner of the property connected to any water main to keep in good repair and free of any leaks the corporation cock, water service pipe and curb stop whether in the public right-of-way or not. (1976 Code §6-1.0116)

When any corporation cock, water service pipe or curb stop becomes defective or creates a nuisance, and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property. (1976 Code §6-1.0117)

7-6-6: METERS:

- A. **Metered Water Required; Exception:** All water furnished consumers shall be measured through meters furnished and installed as provided in subsection 7-6-3D1 of this chapter, except as provided for construction service. (1976 Code §6-1.0201)

Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open. (1976 Code §6-1.0202)

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- B. Location: All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing. (1976 Code §6-1.0203)
- C. Meter Setting: The property owner shall have provided all necessary piping and fittings for proper setting of the meter by the City including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and of a design and construction approved by him. (1976 Code §6-1.0204)
- D. Maintenance And Repair; Costs: Whenever a water meter owned by the City is found to be out of order, the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the consumer or property owner, then the property owner shall be liable for the cost of repairs. Meters of one inch (1") or larger are not the property of the City, and the owner thereof shall be responsible for proper maintenance thereof. (1976 Code §6-1.0205)
- E. Right Of Entry: The Superintendent shall be permitted to enter the premises of any consumer at any reasonable time to remove or change a meter. (1976 Code §6-1.0206)

7-6-7: RATES AND CHARGES:

- A. Determination Of Service Charges: Each customer shall pay for water service provided him by the City based upon his use of water, as determined by meters provided for in section 7-6-6 of this chapter. Each location, building, premises or connection shall be considered a separate and distinct consumer whether owned or controlled by the same person or not. (1976 Code §6-1.0301)

- B. Rates Established:

Meter charge effective July 1, 2020: A monthly meter charge of ten dollars forty nine cents (\$10.49) per meter shall be billed whether or not there is a separate charge for water usage, effective October 1, 2018.

Water shutoff: A meter shutoff fee of twenty five dollars (\$25.00) shall be billed when water service is shut off at customer's request.

Meter removal: A meter removal fee of fifty dollars (\$50.00) shall be billed when a water meter is removed at customer's request.

Residential rates: Water service shall be furnished at the following monthly rates per residential water meter within the City.

Residential Class Effective	July 1, 2023	July 1, 2025
Meter Charge	\$13.30	\$14.50
Consumption Charge (\$/1,000 gallons)		
L&C Charge (all gallons) (min. charge \$3/month)	\$1.50	\$1.50
0-2,000 gallons	\$6.36	\$6.36
Over 2,000 gallons	\$10.58	\$10.58
Minimum Consumption Bill	None	None

Minimum charge per month for water service shall be two thousand (2,000) gallons or twelve dollars ninety-eight cents (\$12.98) per month effective July 1, 2020.

Commercial/industrial rates effective July 1, 2023: Water service shall be furnished at the following monthly rates per commercial/industrial meter within the City.

Commercial Class Effective	July 1, 2023	July 1, 2025
Meter Charge (\$/month)	\$17.50	\$20.00
Consumption Charge (\$/1,000 gallons)		
L&C Charge (all gallons) (min. charge \$3/month)	\$1.50	\$1.50
0-2,000 gallons	\$6.36	\$6.36
2,001 - 6,000 gallons	\$10.58	\$10.58
6,001-25,000 gallons	\$7.00	\$7.00
Over 25,000	\$3.74	\$3.95
Minimum Consumption Bill	None	None

Large Commercial Class rates effective July 2, 2023. Water service shall be furnished at the following monthly rates per Large Commercial meter within the City.

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Large Commercial Class Effective	July 1, 2023	July 1, 2025
Meter Charge	\$40.00	\$40.00
Consumption Charge (\$/1,000 gallons)		
L&C Charge (all gallons) (min. charge \$3/month)	\$1.50	\$1.50
0-25,000 gallons	\$7.00	\$7.00
Over \$25,000 gallons	\$3.74	\$3.95
Minimum Consumption Bill	None	None

Lewis and Clark water surcharge effective July 1, 2016: In addition to the regular monthly rates, all customers shall be charged one dollar fifty cents (\$1.50) for each one thousand (1,000) gallons of water furnished, with a three dollar (\$3.00) minimum surcharge per month. The funds accumulated from this surcharge shall be held and expended only in connection with the City's future hookup with the proposed Lewis and Clark water distribution system.

C. Billing: Bills for water service shall be due and payable in accordance with the following:

1. Due Date: A bill shall be due and payable when rendered and shall be considered delinquent after twenty (20) days from the time it is rendered. A bill shall be considered rendered by the utility when deposited in the U.S. mail with postage prepaid or when delivered by the utility to the last known address of the party responsible for payment. Bill payments received by the utility on or after the delinquent date shall be for the gross amount stated on the bill which shall include a late payment penalty of 1.5 percent per month of the last due amount. Failure to receive a properly rendered bill shall not entitle the customer to relief from penalties for late payment.

Each account shall be granted one complete forgiveness of a late payment penalty in each calendar year.

D. Delinquent Payments; Discontinuance Of Service: Water service to delinquent customers shall be discontinued in accordance with the following:

1. Delinquent Notice: The Clerk shall notify each delinquent customer that water service will be discontinued if payment, including late payment charges, is not received by the date listed on the delinquent notice (a minimum of 10 days from the original due date).

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2. **Posting Notice:** The Clerk shall notify each delinquent customer that water service will be discontinued if payment, including posting fees and late payment charges, are not received within twenty four (24) hours of the posting date.
 3. **Service Discontinued:** The Superintendent shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the posting notice of delinquency.
- E. **Service Connection Fee And Reconnection Fee:** A maximum service connection fee of thirty dollars (\$30.00) shall apply to each new service connection and to reconnection of service to a premises where service has been discontinued and is being reconnected for a customer.
 - F. **Interest On Customer Deposits:** No interest shall be paid on customer deposits.
 - G. **Temporary Disconnection/Reconnection:** Temporary disconnection and reconnection of service for the convenience of the customer shall be made during normal business hours of the utility without charge. A service charge equal to the direct costs of labor shall apply after normal business hours.
 - H. **Service Calls:** The customer shall be charged for the direct costs of labor and materials for each service call where the trouble is found to be the customer's responsibility. The customer shall be advised to contact a qualified plumber or contractor to remedy the problem.
 - I. **Customer Requested Meter Tests:** A charge of twenty five dollars (\$25.00) shall apply to customer requested meter tests, where the meter is found to be within the allowance tolerance. The Superintendent shall make a test of the accuracy of any water meter during normal working hours, when requested in writing. If the meter is found to overrun to the extent of two percent (2%) or more, the overcharges collected since the last known date of accuracy but not for longer than six (6) months shall be credited to the customer. If the meter is found to be accurate or slow or less than two percent (2%) fast, the customer shall pay the costs of the test.
 - J. **Returned Check Charge:** A service charge of thirty dollars (\$30.00), effective July 1, 2016, shall apply to every check returned unpaid by the bank on which it was drawn.
 - K. **Posting Of Notices:** A posting fee of fifteen dollars (\$15.00) shall be charged whenever it is necessary for utility employees to post a notice for disconnection of service.
 - L. **Basis Of Cost:** Where the cost of labor is to be assessed to a customer, the cost for work performed during regular business hours of the utility shall be

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based on the hourly rate earned by that employee. For work performed after regular business hours the costs shall be based on one and one-half ($1\frac{1}{2}$) times the hourly rate earned by that employee. Work performed after regular business hours shall be a minimum of two (2) hours per employee. For services performed for the utility by contract the customer shall be billed for the full cost to the utility, plus an administrative charge of five percent (5%).

Where the cost of materials is to be assessed to the customer, the cost shall be deemed to be the replacement cost at the time of installation.

- M. Customer Deposits: Customer deposits shall be required of all customers having no established credit record and those who have an unacceptable credit record or who have a prior record of failure to pay utility bills rendered by the City.
- N. Residential Rental Property: For residential rental property where a charge of water service is separately metered and paid directly by the tenant, the rental property is exempt from a lien for delinquent charges if the owner or landlord has done the following:
 1. The owner or landlord has given written notice to the City utility that the tenant is liable for all charges.
 2. A deposit has been paid to the City by the tenant.
 3. An application for utilities and services has been completed by the tenant.
 4. The notice given to the City Clerk shall contain the name of the tenant responsible for the charges, the address of the property, and the date the tenant is to begin occupying the premises.

A change in tenant shall require a new written notice, tenant application and deposit. When the tenant moves from the rental property, the City shall return the deposit to the tenant, provided that all water service charges are paid in full. The lien exemption for rental property does not apply to charges made by the City for repairs to a water service if these charges become delinquent. (Ord. 624-10, 5-24-2010; amd. Ord. 657-16, 2-22-2016; Ord. 671-18, 3-12-2018; Ord. 688-20, 7-27-2020; Ord. 704-23, 5-8-2023)

7-6-8: VIOLATIONS; WATER SHUTOFF:

After giving reasonable notice, the Superintendent may shut off the water supply to any customer because of any substantial violation of this chapter or valid regulation under subsection 7-6-3D1 of this chapter. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on. (Ord. 624-10, 5-24-2010)

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CHAPTER 7
PUBLIC WATER WELLS

SECTION:

- 7-7-1: Designation of Wells
- 7-7-2: Location Requirements
- 7-7-3: Application of Provisions
- 7-7-4: Nonconforming Structures and Facilities

7-7-1: **DESIGNATION OF WELLS:** The City Administrator shall designate each water well within the City as being a "shallow well" or "deep well" for the purposes of this Chapter. (Ord. 521-89, 10-30-89, eff. 10-30-89)

7-7-2: **LOCATION REQUIREMENTS:**

A. Shallow Public Wells: No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth from a shallow public well within the City:

1. Well house floor drains - 5 feet.
2. Water treatment plant wastes - 50 feet.
3. Sanitary and industrial discharges - 200 feet.
4. Floor Drains and Force Mains:
 - a. Floor drains from pump house to surface:
 - None within 5 feet.
 - 5 - 10 feet water main materials enclosed in concrete permitted.

- A4a)
- 10 - 25 feet must be water main material.
 - 25 - 75 feet must be watertight sewer pipe.
- b. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:
- None permitted within 25 feet.
 - If closer than 75 feet, must be water main materials.
 - If between 75 and 200 feet, must be watertight sewer pipe.
- c. Force mains:
- None permitted within 75 feet.
 - If within 200 feet, must be water main materials.
5. Land application of solid waste - 200 feet.
 6. Irrigation of waste water - 200 feet.
 7. Concrete vaults and septic tanks - 200 feet.
 8. Mechanical wastewater treatment plants - 200 feet.
 9. Cesspools and earth pit privies - 200 feet.
 10. Soil absorption fields - 200 feet.
 11. Lagoons - 200 feet.
 12. Chemicals:
 - Application to ground surface - 200 feet.
 - Aboveground storage - 200 feet.
 - On or underground storage - 200 feet.
 13. Animal pasturage - 50 feet.
 14. Animal enclosure - 200 feet.
 15. Animal wastes:
 - Land application of solids - 200 feet.
 - Land application of liquid or slurry - 200 feet.
 - Storage tank - 200 feet.
 - Solids stockpile - 200 feet.
 - Storage basin or lagoon - 200 feet.
 16. Earthen silage storage trench or pit - 200 feet.
 17. Basements, pits sumps - 10 feet.
 18. Flowing streams or other surface water bodies - 50 feet.
 19. Cisterns - 100 feet.
 20. Cemeteries - 200 feet.
 21. Private wells - 200 feet.
 22. Solid waste disposal sites - 200 feet.
- B. Deep Public Wells: No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth from a deep public well within the City:
1. Well house floor drains - 5 feet.
 2. Water treatment plant wastes - 50 feet.

- B)
3. Sanitary and industrial discharges - 200 feet.
 4. Floor drains and force mains:
 - a. Floor drains from pump house to surface:
 - None within 5 feet.
 - 5 - 10 feet water main materials enclosed in concrete permitted.
 - 10 - 25 feet must be water main material.
 - 25 - 75 feet must be watertight sewer pipe.
 - b. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains.
 - None permitted within 25 feet.
 - If closer than 75 feet, must be water main material.
 - If between 75 and 200 feet, must be watertight sewer pipe.
 - c. Force mains:
 - None permitted within 75 feet.
 - If within 200 feet, must be water main materials.
 5. Land application of solid waste - 100 feet.
 6. Irrigation of waste water - 100 feet.
 7. Concrete vaults and septic tanks - 100 feet.
 8. Mechanical wastewater treatment plants - 200 feet.
 9. Cesspools and earth pit privies - 200 feet.
 10. Soil absorption fields - 200 feet.
 11. Lagoons - 200 feet.
 12. Chemicals:
 - Application to ground surface - 100 feet.
 - Aboveground storage - 100 feet.
 - On or underground storage - 200 feet.
 13. Animal pasturage - 50 feet.
 14. Animal enclosure - 100 feet.
 15. Animal wastes:
 - Land application of solids - 100 feet.
 - Land application of liquid or slurry - 100 feet.
 - Storage tank - 100 feet.
 - Solids stockpile - 200 feet.
 - Storage basin or lagoon - 200 feet.
 16. Earthen silage storage trench or pit - 100 feet.
 17. Basements, pit sumps - 10 feet.
 18. Flowing streams or other surface water bodies - 50 feet.
 19. Cisterns - 50 feet.
 20. Cemeteries - 200 feet.
 21. Private wells - 200 feet.
 22. Solid waste disposal sites - 200 feet.
- (Ord. 521-89, 10-30-89, eff. 10-30-89)

7-7-3: APPLICATION OF PROVISIONS: Proscriptions as set forth in subsections 7-7-2A and B herein shall apply to all public water wells existing within the City, except public water wells formerly abandoned for use by resolution of the City Council. (Ord. 521-89, 10-30-89, eff. 10-30-89)

7-7-4: NONCONFORMING STRUCTURES AND FACILITIES: The use of structures or facilities existing at the effective date hereof may be continued even though such use may not conform with the regulations of this Chapter. However, such structure or facility may not be enlarged, extended, reconstructed or substituted subsequent to the effective date hereof. (Ord. 521-89, 10-30-89, eff. 10-30-89)

CHAPTER 7A

PRIVATE WELLS AND WATER SYSTEMS

SECTION:

7-7A-1: System Installation

7-7A-1: **SYSTEM INSTALLATION:** No nonpublic well or water supply system shall be installed where a public water supply system is reasonably accessible to the landowner. The determination of accessibility shall be made by a licensed engineer. In the event the engineer determines the property is not accessible to a public water supply system, or if there is clear and convincing evidence that the accessible public water supply is inadequate to meet the needs of the landowner, then a variance from this chapter may be obtained from the city council if a well permit is obtained pursuant to state law or county ordinance. (Ord. 575-02, 3-11-2002)

CHAPTER 8

SEWER USE AND SERVICE

SECTION:

- 7-8- 1: Definitions
- 7-8- 2: Powers And Duties Of Superintendent
- 7-8- 3: Use Of Public Sewers Required
- 7-8- 4: Private Sewage Disposal
- 7-8- 5: Building Sewers And Connections
- 7-8- 6: Use Restrictions
- 7-8- 7: Rates And Charges
- 7-8- 8: Protection From Damage
- 7-8- 9: Powers And Authority Of Inspectors
- 7-8-10: Violation And Penalties

7-8-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BOD (Denoting BIOCHEMICAL OXYGEN DEMAND): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

CITY:	The city of Sibley, Iowa.
COMBINED SEWER:	A sewer receiving both surface runoff and sewage.
GARBAGE:	Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
INDUSTRIAL WASTES:	The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
NATURAL OUTLET:	Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
PERSON:	Any individual, firm, company, association, society, corporation or group.
pH:	The logarithm of the reciprocal of the weight of hydrogen in grams per liter of solution.
PROPERLY SHREDDED GARBAGE:	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 inch ($\frac{1}{2}$ ") (1.27 centimeters) in any dimension.
PUBLIC SEWER:	A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
SANITARY SEWER:	A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
SEWAGE:	A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT:	Any arrangement of devices and structures used for treating sewage.
SEWAGE WORKS:	All facilities for collecting, pumping, treating and disposing of sewage.
SEWER:	A pipe or conduit for carrying sewage.
SHALL; MAY:	"Shall" is mandatory; "may" is permissive.
SLUG:	Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.
STORM DRAIN (Sometimes Termed STORM SEWER):	A sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
SUPERINTENDENT:	The utilities superintendent of the city or his authorized deputy, agent or representative.
SUSPENDED SOLIDS:	Solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
WATERCOURSE:	A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 465-81, 4-20-1981; amd. 1992 Code; Ord. 590-04, 7-12-2004)

7-8-2: **POWERS AND DUTIES OF SUPERINTENDENT:** The utilities superintendent is appointed by the council, and he shall exercise the following powers and duties:

- A. Operate and maintain the city sewage system.
- B. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.

- C. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed, showing the location and grades thereof. (Ord. 590-04, 7-12-2004)

7-8-3: USE OF PUBLIC SEWERS REQUIRED:

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. 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.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the city is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within sixty (60) days after date of official notice to do so; provided, that said public sewer is within one hundred feet (100') (30.5 meters) of the property line. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer. (Ord. 465-81, 4-20-1981)

7-8-4: PRIVATE SEWAGE DISPOSAL:

- A. Private System Permitted: Where a public sanitary or combined sewer is not available under the provisions of subsection 7-8-3D of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section. (Ord. 465-81, 4-20-1981)
- B. Permit Requirements: Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written

permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit fee of fifty dollars (\$50.00) shall be paid to the city at the time the application is filed. A fee of fifty dollars (\$50.00) shall be paid to the city for an on site pressure test inspection. (Ord. 593-04, 9-13-2004)

- C. Inspections: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within seventy two (72) hours of the receipt of notice by the superintendent.
- D. Construction Specifications: The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the department of natural resources of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one thousand five hundred (1,500) square feet (square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. Connection To Public Sewer:
 - 1. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in subsection 7-8-3D of this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
 - 2. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.
- F. Responsibility Of Owner: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the city.

- G. Provisions Nonlimiting: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the proper city official. (Ord. 465-81, 4-20-1981; amd. 1992 Code)

7-8-5: BUILDING SEWERS AND CONNECTIONS:

A. Permit Requirements:

1. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

2. Classification Of Permits; Fees: There shall be two (2) classes of building sewer permits:

a. For a residential and commercial service; and

b. For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of one hundred dollars (\$100.00) for a residential or commercial building sewer permit and two hundred fifty dollars (\$250.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed. (Ord. 592-04, 9-13-2004)

- B. **Separate Sewer Required:** 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.
- C. **Use of Old Building Sewers:** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter.
- D. **Construction Specifications:**
1. 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 codes or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
 2. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 465-81, 4-20-81)
 3. Building sewer pipe shall be free from flaws, splits or breaks. Materials shall be as specified in the Iowa State Plumbing Code; except, that the building sewer pipe, from the public sewer main to and including all the sewer pipe within the structure shall comply with one of the following requirements:
 - a. Clay sewer pipe - A.S.I.M. C13-50 (standard strength).
 - b. Clay sewer pipe - A.S.I.M. C200-50T (extra strength).
 - c. Extra heavy cast-iron soil pipe.

D3) d. Cast-iron water pipe - A.S.A. A21.11

e. P.V.C. Schedule 40 - A.S.T.M. D2665-68. (Ord. 478-82, 4-12-82)

E. Connections to Public Sewers:

1. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

2. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

F. Excavations: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.¹

G. Surface Runoff: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

H. Liability of Owner: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 465-81, 4-20-81)

7-8-6: **USE RESTRICTIONS:**

1. See Section 7-1-4 of this Title.

- A. Discharge of Effluent: No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

- B. Prohibited Substances: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, 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. 465-81, 4-20-81)

- C. NPDES Permit Conditions and Terms: Each issued NPDES permit shall provide that all discharges of pollutants be consistent with the terms and conditions of the permit, such terms and conditions are set forth in the NPDES operation permit on file in the office of the City Clerk. (1992 Code)
- D. Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- E. Preliminary Treatment: Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. Measurements, Tests and Analyses:
 - 1. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 465-81, 4-20-81)
 - 2. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, three (3) copies of which shall be and remain on file in the office of the City Clerk for public inspection, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty four (24) hour composites of all outfalls, where pHs are determined from periodic grab samples. (Ord. 465-81, 4-20-1981; amd. 1992 Code)

- G. Special Agreements: No statement contained in this section 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, by the industrial concern. (Ord. 465-81, 4-20-1981)

7-8-7: RATES AND CHARGES:

A. Sewer Rates:

1. Residential services: This classification shall apply to all single residential users whether they are on the City public water system or using private water systems.

	Effective			
Residential	07-01-2023	07-01-2024	07-01-2025	07-01-2026
Meter charge (\$/month)	\$25.00	\$43.00	\$43.00	\$43.00
Consumption Charge (\$/1,000 gallons)	\$2.75	\$3.70	\$3.70	\$3.70

2. Commercial services: This classification shall apply to all commercial, institutional and multiple-family dwelling users:

	Effective			
Residential	07-01-2023	07-01-2024	07-01-2025	07-01-2026
Meter charge (\$/month)	\$30.00	\$50.00	\$50.00	\$50.00
Consumption Charge (\$/1,000 gallons)	\$2.55	\$3.50	\$3.50	\$3.50

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3. Large Commercial: This classification shall apply to all large commercial and industrial users:

	Effective			
Large Commercial	07-01-2023	07-01-2024	07-01-2025	07-01-2026
Meter charge (\$/month)	\$75.00	\$130.00	\$130.00	\$130.00
Consumption Charge (\$/1,000 gallons)	\$2.55	\$3.50	\$3.50	\$3.50

The billing periods for the sanitary sewer utility shall be monthly. In no case shall the minimum service charge be less than twentyseven dollars and forty-nine cents (\$27.49).

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

Twenty-seven dollars and forty-nine cents (\$27.49) per billing period, which is necessary to retire the indebtedness, to pay operating maintenance and replacement and to fund reserves necessary for maintaining the sanitary sewer facility, effective July 1, 2023.

Forty-three dollars and ninety-eight cents (\$43.98) per billing period, which is necessary to retire the indebtedness, to pay operating maintenance and replacement and to fund reserves necessary for maintaining the sanitary sewer facility, effective July 1, 2025.

Unless wastewater discharge can be accurately measured. It would then be billed at the current service class rate.

4. Storm Sewer: All customers of the sanitary sewer facility shall pay Five dollars (\$5.00), as a storm sewer fee.

- B. Bills For Service; Delinquencies: Bills for the rates and charges are herein established and shall be sent for each billing period. All bills shall be payable on the first day of the month following the period of service and shall be paid at the Office of the Utility. If any charge for the services of the system shall not be paid by the tenth of the month in which it shall become due and payable, a charge of five percent (5%) of the amount of the bill shall be added thereto and collected therewith. If any bills remain unpaid thirty (30) days following the due date, the water supply for the lot, parcel of land or premises affected may, after a notice and hearing, be cut off and may not be restored except upon satisfactory payment of the delinquent charges.

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

It is hereby made the duty of the City official designated by the Council to render bills for sewer service and all other charges in connection therewith and to collect all monies due therefrom. The City will notify each user at least annually in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to operation, maintenance and replacement costs of the treatment works.

- C. Unpaid Charges A Lien: All sewer charges levied pursuant to this section shall constitute a lien upon the premises served, and if not paid within sixty (60) days after due date, the charges shall be certified to the County Auditor and shall be collectible in the same manner as taxes.
- D. Disposition Of Revenues: All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the City separate and apart from all other funds of the City, and all of said sums and all other funds and moneys incident to the operation of said system as may be delivered to the City shall be deposited in a separate fund designated the "Revenue Fund" and the Council shall administer said fund in every respect in the manner provided by the Code of Iowa and all other laws pertaining thereto.
- E. Books And Records; Budget:
 - 1. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system, and at a regular annual intervals the Council shall cause to be made an audit by an independent auditing concern or the State of the books to show the receipts and disbursements of the sewer system.
 - 2. The City shall be required, annually, to prepare a budget of the sanitary sewer system to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs and required reserves. (Ord. 466-81, 4-20-1981; amd. Ord. 672-18, 3-12-2018; Ord. 689-20, 7-27-2020; Ord. 703-23, 5-8-2023)

7-8-8: PROTECTION FROM DAMAGE:

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 465-81, 4-20-1981)

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7-8-9: POWERS AND AUTHORITY OF INSPECTORS:

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in subsection A of this section, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 7-8-6F1 of this chapter.
- C. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 465-81, 4-20-1981)

7-8-10: VIOLATION AND PENALTIES:

- A. Notice Of Violation: Any person found to be violating any provision of this chapter, except section 7-8-8 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.
- B. Penalties: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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- C. Liability Of Violator: Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reasons of such violation. (Ord. 465-81, 4-20-1981)

CHAPTER 9
PARK REGULATIONS

SECTION:

- 7-9- 1: Purpose
- 7-9- 2: Use Of Drives Required
- 7-9- 3: Parking
- 7-9- 4: Prohibited Areas
- 7-9- 5: Fires
- 7-9- 6: Use Of Firearms, Explosives, Weapons And Fireworks
Prohibited
- 7-9- 7: Littering
- 7-9- 8: Control Of Animals
- 7-9- 9: Removing Plants, Flowers Or Fruit
- 7-9-10: Parks Closed
- 7-9-11: Camping
- 7-9-12: Swimming Pool

7-9-1: **PURPOSE:** The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities¹. (Ord. 579-02, 6-24-2002)

7-9-2: **USE OF DRIVES REQUIRED:** No person shall drive any car, cycle or other vehicle, or ride or lead any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the city. (Ord. 579-02, 6-24-2002)

7-9-3: **PARKING:** All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any park drive, road or highway except in the case of an emergency. (Ord. 579-02, 6-24-2002)

1. IC §364.12.

7-9-4: **PROHIBITED AREAS:** No person shall enter upon portions of any city park in disregard of official signs forbidding same except by permission of the park board or a park board representative. (Ord. 579-02, 6-24-2002; amd. Ord. 588-04, 1-12-2004)

7-9-5: **FIRES:** No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party. (Ord. 579-02, 6-24-2002)

7-9-6: **USE OF FIREARMS, EXPLOSIVES, WEAPONS AND FIREWORKS PROHIBITED:** The use of firearms, explosives and weapons of all kinds by any person is prohibited in all city parks. The park board may establish, by rule, the city parks or parts of the city parks where firearms may be discharged during special events, festivals and educational programs. The use of fireworks in the city parks is prohibited except as authorized by a permit issued by the council. (Ord. 579-02, 6-24-2002; amd. Ord. 588-04, 1-12-2004)

7-9-7: **LITTERING:** No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose. (Ord. 579-02, 6-24-2002)

7-9-8: **CONTROL OF ANIMALS:** No privately owned animal shall be allowed to run at large in any city park or upon lands or in waters owned by or under the jurisdiction of the park board except by permission of the park board. Every such animal shall be deemed as running at large unless the owner carries such animal or leads it by a leash or chain not exceeding six feet (6') in length or keeps it confined in or attached to a vehicle. No horse or other animal shall be hitched or tied to any tree or shrub or in such a manner as to result in injury to city property. (Ord. 579-02, 6-24-2002; amd. Ord. 588-04, 1-12-2004)

7-9-9: **REMOVING PLANTS, FLOWERS OR FRUIT:** No person shall in any manner remove, destroy, injure or deface any tree, shrub, plant or flower or the fruit thereof, or disturb or injure any structure or natural attraction, except upon written permission of the park board certain specimens may be removed for scientific purposes. This section shall not apply to activities of the park board or its officers or an

employee when caring for and managing city owned land and waters under the jurisdiction of the park board. (Ord. 579-02, 6-24-2002; amd. Ord. 588-04, 1-12-2004)

7-9-10: **PARKS CLOSED:** No person, except those camping in designated areas, shall enter or remain within any park between the hours of eleven o'clock (11:00) P.M. to five o'clock (5:00) A.M. (Ord. 579-02, 6-24-2002)

7-9-11: **CAMPING:** No person shall camp in any portion of a park except in portions prescribed or designated by the council, and the city may refuse camping privileges or rescind any and all camping privileges for cause. (Ord. 579-02, 6-24-2002)

7-9-12: **SWIMMING POOL:** No person shall enter or remain in the swimming pool at any time other than when such pool is open for use and properly supervised. (Ord. 579-02, 6-24-2002)



CHAPTER 10

MAILBOXES

SECTION:

7-10-1:	Purpose
7-10-2:	Definitions
7-10-3:	Location
7-10-4:	Visibility; Obstruction
7-10-5:	Responsibilities Of Property Owner
7-10-6:	Fee Schedule

7-10-1: **PURPOSE:** The purpose of this chapter is to provide for the proper location of mailboxes to ensure that they do not obstruct traffic and to provide for liability as to the unintentional damage or destruction of mailboxes by the city or utility companies. (Ord. 632-11, 7-11-2011)

7-10-2: **DEFINITIONS:** The following terms are defined:

CLUSTER STYLE: A style whereby mailboxes, meeting the specifications of the United States postal service (USPS) with the inscription plainly legible "U.S. Mail" and "Approved By The Postmaster General", are assembled and grouped together on a single area of land so that they are regarded as one unit. Cluster style mailboxes must be manufactured cluster style mailboxes approved by both the city and USPS.

CURBSIDE MAILBOX: A mailbox consisting of a lightweight sheet metal or plastic box meeting the specifications of the United States postal service (USPS) with the inscription plainly legible "U.S. Mail" and "Approved By The Postmaster General", which is erected at the edge of a roadway or curbside

of a street and is mounted on a breakaway support post, and is intended or used for the collection of mail and is to be served by a mail carrier from a vehicle. (Ord. 632-11, 7-11-2011)

7-10-3: **LOCATION:** Cluster style mailboxes serving housing developments situated on streets, avenues, or other roadways shall be located between the sidewalk and curb, and if at all possible, within one hundred feet (100') of the entry into a cul-de-sac style street, avenue, or other roadway. The location of cluster style mailboxes and single mailbox locations shall be approved by the United States postal service. (Ord. 632-11, 7-11-2011)

7-10-4: **VISIBILITY; OBSTRUCTION:** All mailboxes, both cluster and private, must be erected:

- A. Away from the intersection of any street and no closer than seventy five feet (75') of the intersection in order to prevent obstruction of free and clear vision; and
- B. Away from any location where, by reason of the position of, shape or color of it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. (Ord. 632-11, 7-11-2011)

7-10-5: **RESPONSIBILITIES OF PROPERTY OWNER:** Any type of mailbox located in the city right of way is subject to damage or destruction, at any time, as a result of the city or a utility company entering upon the city right of way to construct, repair or maintain the utilities located in the city right of way or as a result of the city engaging in activities to maintain the public street or right of way, such as snow removal, pavement repair or street cleaning. If a curbside or cluster style mailbox located in the city right of way is damaged during any such activity, the property owner shall replace the mailbox and shall be entitled to reimbursement by either the city or the utility company. (Ord. 632-11, 7-11-2011)

7-10-6: **FEE SCHEDULE:** The city council shall establish, by resolution, fees and requirements for the reimbursement of mailboxes. (Ord. 632-11, 7-11-2011)

CHAPTER 11

RIGHT-OF-WAY CONSTRUCTION

SECTION:

- 7-11- 1: Definitions
- 7-11- 2: Exemptions
- 7-11- 3: Use Of Public Right-Of-Way
- 7-11- 4: Application Required
- 7-11- 5: Action On Application
- 7-11- 6: Construction Permit
- 7-11- 7: Compliance With Excavation Requirements
- 7-11- 8: Minimum Requirements
- 7-11- 9: Identification Signs
- 7-11-10: Maintenance Permit
- 7-11-11: Right-Of-Way Management Fees
- 7-11-12: Rules And Regulations
- 7-11-13: Removal Or Relocation
- 7-11-14: Location And Exposure
- 7-11-15: Indemnification

7-11-1: **DEFINITIONS:**

PERSON: Any individual, partnership, corporation or other legal entity.

PUBLIC RIGHT-OF-WAY: Any portion of any street, alley or easement in the City of Sibley which has been dedicated to the public and is controlled by the City of Sibley.

UTILITY: Any pipe, cable, conduit or other equipment, structure or property placed or maintained on or under a public right-of-way. (Ord. 667-17, 4-24-2017)

7-11-2: **EXEMPTIONS:** The City of Sibley and any holder of a franchise granted by the City are hereby declared to be exempt from the provisions of this chapter.

Service connections made to the City of Sibley utilities or utilities installed by a franchise holder, such as sanitary sewer connections, water main connections, natural gas service lines and telephone and cable television services, shall also be exempt from the requirements of this chapter. Such service contractors shall be regulated pursuant to other provisions of this Code and the rules and regulations of franchise holders concerning service connection. (Ord. 667-17, 4-24-2017)

7-11-3: USE OF PUBLIC RIGHT-OF-WAY: No person shall place, construct or maintain any utility in any public right-of-way in the City except in strict conformance with the provisions of this chapter.

Any placement or construction of a utility in a public right-of-way not in strict conformance with the provisions of this chapter shall constitute a violation of this Code, punishable as provided herein. A separate violation shall be deemed to have been committed during each calendar day in which a utility is placed, constructed or maintained in violation of this chapter.

Further, the City may require the immediate removal of any such utility and the City may, at the owner's expense, accomplish such removal. (Ord. 667-17, 4-24-2017)

7-11-4: APPLICATION REQUIRED: Any person who desires to place, construct or maintain a utility in a public right-of-way shall make application therefor to the City of Sibley on a form provided by the City. Such application shall include:

- A. The name, address and telephone number of the applicant and the owner of the proposed utility.
- B. Plans and specifications for the proposed utility, including the specific proposed location and if underground, the proposed depth.
- C. The purpose and use of the proposed utility.
- D. A specific description of the materials and equipment to be installed.
- E. The area, in square feet and the length, in linear feet, of the utility to be installed in the public right-of-way.
- F. An application fee shall be required in an amount determined by the City of Sibley through negotiation with the applicant based upon the actual costs to be incurred by the City in reviewing, approving and

administering the application and in accommodating and assisting the applicant. The minimum application fee and the fee to be charged for an application that is denied shall be the amount of two hundred fifty dollars (\$250.00). (Ord. 667-17, 4-24-2017)

7-11-5: **ACTION ON APPLICATION:** Upon receipt of an application pursuant to section 7-11-4 of this chapter, the City of Sibley shall consider the application and determine whether the utility may safely and reasonably be installed in the public right-of-way as proposed. The issuance of a permit for placement of a utility pursuant to this chapter shall be in the discretion of the City of Sibley and shall not be issued as a matter of right. The City of Sibley may condition the issuance of a permit upon additional requirements, or may refuse to grant a permit. In considering an application, the City of Sibley shall consider the following factors:

- A. Whether the proposed utility is consistent with existing and proposed future uses of right-of-way.
- B. Whether the proposed utility may be installed and maintained without risk of damage or interference with other existing or proposed utilities.
- C. The benefit to be derived from the proposed utility and the availability of alternatives to placement of the utility in the public right-of-way.
- D. Potential interference or additional burden upon established public utilities of governmental units and franchise holders, which public utilities shall have priority.
- E. Other relevant factors and circumstances. (Ord. 667-17, 4-24-2017)

7-11-6: **CONSTRUCTION PERMIT:** Within fourteen (14) days of the receipt of an application under this chapter, the City of Sibley shall either deny the application or issue a permit, for construction of the proposed utility, including such additional requirements as the City of Sibley deems appropriate.

The construction permit shall include an expiration date. The permit shall expire on the date so designated and no construction or placement of a utility shall be accomplished thereafter, except upon the grant of a new permit. (Ord. 667-17, 4-24-2017)

7-11-7: **COMPLIANCE WITH EXCAVATION REQUIREMENTS:** The installation of any utility pursuant to this chapter shall be subject to the applicable requirements of section 7-11-8 of this chapter. (Ord. 667-17, 4-24-2017)

7-11-8: **MINIMUM REQUIREMENTS:** Any utility installed pursuant to the provisions of this chapter shall meet the following minimum requirements:

- A. The City of Sibley may require that any cable or conduit to be installed underground be encased, installed with warning tape, or otherwise protected or marked if he or she determines that such construction measures are reasonably necessary to protect the public safety and welfare or to protect underground utilities.
- B. Any underground utility shall be installed at a depth of twenty four inches (24") below the established grade or if no grade is established, twenty four inches (24") below the existing surface.
- C. New utility construction and the replacement of all existing utilities, except electric transmission lines operating at a nominal of sixty nine (69) kilovolts or greater, shall be done underground, unless the utility owner establishes, to the satisfaction of the City Council, that underground construction is not feasible and the Council specifically authorizes, by resolution, aboveground construction.

The cost of underground utility construction shall be paid by the utility owner.

Maintenance and isolated repair activities are exempt from the requirements of this subsection. Maintenance and isolated repair is limited to the replacement or repair of isolated, worn, damaged or failed components. Maintenance and repair does not include any planned, systematic or progressive replacement or upgrading of any portion of a utility system involving more than two (2) poles per line mile.

The provisions of this subsection notwithstanding, a utility owner may accomplish temporary aboveground emergency repairs in order to maintain or restore service, but such temporary aboveground facilities shall be promptly replaced with permanent facilities in compliance with this chapter. (Ord. 667-17, 4-24-2017)

7-11-9: **IDENTIFICATION SIGNS:** The permittee shall install permanent identification signs, at locations designated and approved by the City of Sibley, which shall contain the following information:

- A. The name, address and phone number of the owner of the utility.
- B. The kind and nature of the utility.
- C. For underground utilities, an indication of the location of the utility.
(Ord. 667-17, 4-24-2017)

7-11-10: **MAINTENANCE PERMIT:** Upon completion of construction of a utility pursuant to a permit issued under section 7-11-5 of this chapter, the permittee shall report to the City of Sibley the completion of construction and shall provide "as built" plans of the utility as constructed, which shall specify the location of all components of the utility in the public right-of-way and of the identifying signs.

The City of Sibley shall approve the report and "as built" specifications submitted or may require additional reports, maps, diagrams or other information. When the City of Sibley is satisfied with the installation of the utility and the documentation provided, it shall signify on the construction permit that the utility has been approved for maintenance and operation. (Ord. 667-17, 4-24-2017)

7-11-11: **RIGHT-OF-WAY MANAGEMENT FEES:** Each owner of a utility installed in the public right-of-way shall pay to the City Clerk, during the month of January in each year, an annual right-of-way management fee. The first annual right-of-way management fee payment shall be made in the month of January following the installation of all or any portion of the utility. Public right-of-way utility installation shall be classified as either "minor" or "major". "Minor" utilities shall be those installed within a single City block. "Major" utilities shall be those installed in more than one City block. Annual right-of-way management fees shall be as fixed by the Council by resolution.

In addition to the payment of an annual right-of-way management fee as provided in the preceding paragraph, each owner of a utility installed in the public right-of-way shall pay to the City, within thirty (30) days of the receipt of the City's statement, the actual costs and expenses incurred by the City directly attributable to the installation, maintenance, or accommodation of

the owner's utility installed in the public right-of-way. Such direct costs shall include personnel expenses, equipment expenses, materials, supplies and administrative costs. (Ord. 667-17, 4-24-2017)

7-11-12: **RULES AND REGULATIONS:** The City of Sibley is hereby authorized and directed to promulgate rules and regulations necessary to accomplish the purposes of this chapter, to prepare the application and permit forms required by this chapter, to prepare any other forms and to issue or deny permits and approvals pursuant to this chapter. (Ord. 667-17, 4-24-2017)

7-11-13: **REMOVAL OR RELOCATION:** Any utility installed pursuant to the provisions of this chapter shall, at the direction of the City, be temporarily or permanently removed or relocated when, in the opinion of the City of Sibley, such removal or relocation is required by reasons of public safety, street vacation, construction, change of street grade, installation of utilities by the City or a franchise holder or for other reasons. (Ord. 667-17, 4-24-2017)

7-11-14: **LOCATION AND EXPOSURE:** If requested by the City of Sibley, for construction, reconstruction, maintenance or repair, the owner of a utility placed pursuant to this chapter shall locate and expose any of its underground utilities, at no cost to the City. (Ord. 667-17, 4-24-2017)

7-11-15: **INDEMNIFICATION:** The owner of any utility placed, operated or maintained pursuant to this chapter shall defend, at its own expense and shall indemnify and save harmless the City from any and all claims, losses, damages, costs or expenses on account of injury or damage to any person or property caused or occasioned, or allegedly caused or occasioned, in whole or in part, by reasons of or arising out of the construction, operation or maintenance of its utility under this chapter. (Ord. 667-17, 4-24-2017)