

Title 6
HEALTH AND SANITATION

Chapters:

- 6.04 Refuse and Litter
- 6.08 Dutch Elm Disease
- 6.16 Trailer Parks
- 6.20 Burning of Yard Waste
- 6.24 Hazardous Substances

Chapter 6.04
REFUSE AND LITTER

Sections:

- 6.04.010 Purpose
- 6.04.020 Definitions
- 6.04.030 Containers
- 6.04.040 Nuisance
- 6.04.050 Refuse Collection--Authority to Contract for
- 6.04.060 Residential Refuse Collection Service-Required

6.04.010 Purpose. The purpose of this chapter is to place a duty upon each resident of the City, to dispose promptly of all refuse accumulating on any premises he owns or occupies and also to prohibit the deposit of refuse upon other property. (Ord. 5-64 §1, 1964)

6.04.020 Definitions. For use within this chapter the following terms are defined: "Person" means any individual, firm, corporation, trust, any other organized group or any government. "Refuse" means all garbage, rubbish, ashes or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interest of the community. (Ord. 5-64 §2, 1964)

6.04.030 Containers. No person shall permit refuse to accumulate upon premises owned or occupied by him; however, if the refuse is garbage, the owner or occupant may temporarily store the refuse in watertight containers made of galvanized iron or other non-rusting material. Any container used shall be kept clean and covered with a tight-fitting lid. (Ord. 5-64 §3, 1964)

6.04.040 Nuisance. Each person shall dispose of all refuse accumulating on any premises he owns or occupies before it becomes a nuisance. If it does become a nuisance, the local board of health shall deal with it as provided in the Iowa code. (Ord. 5-64 §4, 1964)

6.04.050 Refuse Collection--Authority to Contract For. The City Council of the City shall contract for the removal of refuse within the City and shall, from time to time by resolution, fix the fees for the removal—thereof. (Ord. 2-86 §1, 1986)

6.04.060 Residential Refuse Collection Service-Required. All residences within the City shall be obligated to utilize the services for refuse pickup if such residence is occupied, and such

residence shall be responsible for the monthly fee as fixed by Section 6.04.050 or changed from time to time as provided in this chapter. (Ord. 2-86 §2, 1986)

Chapter 6.08

DUTCH ELM DISEASE ¹

Sections:

6.08.010 Public Nuisance Declared

6.08.020 Nuisances Prohibited

6.08.030 Inspection

6.08.040 Abatement of Nuisances

6.08.050 Interference With Removal

6.08.010 Public Nuisance Declared. 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 to be public nuisances:

(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 trees 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 beetles destroying insecticide. (Ord. 12-68 51, 1968)

6.08.020 Nuisances Prohibited. No person, firm or corporation shall permit any public nuisances as defined in Section 6.08.010 to remain on the premises owned, controlled, or occupied by him within the City. (Ord. 12-68 §2, 1968)

6.08.030 Inspection. The street commissioner shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Section 6.08.010 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. (Ord. 12-68 §3, 1968)

1. For statutory provisions authorizing cities and towns to require the removal of any tree infected with Dutch elm disease, see I.C.A. 368.3. 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. (Ord. 12-68 93, 1968)

6.08.040 Abatement of Nuisances. (a) If the street commissioner, upon inspection or examination, in person or by some qualified person acting for him, shall determine that any public nuisance 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 to other elm trees within the City is imminent, he shall immediately cause it to be removed and burned or otherwise abate 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.

(b) If the street commissioner, upon inspection or examination in person or by some qualified person acting for him, shall determine with reasonable certainty that and public nuisance 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 serve or cause to be served upon the owner, occupant, or person in charge of the property, a written notice to abate the nuisance within ten days of service of the notice. If the owner, occupant or person in charge of the property fails to comply with the notice within ten days of receipt thereof, the Council upon notice and hearing, may cause the nuisance to be removed and the cost assessed against the property.

(c) If the street commissioner 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 the tree, and obtain diagnosis of the specimens. (Ord. 12-68 S4, 1968)

6.08.050 Interference With Removal. It is unlawful for any person, firm or corporation to hinder, obstruct, or otherwise interfere with the agents or employees of the City while engaged in carrying out the provisions of this chapter upon order of the Council made thereunder. (Ord. 12-68 §5, 1968)

Chapter 6.16 TRAILER PARKS

Sections:

- 6.16.010 Definition
- 6.16.020 Illegal Parking of Trailers
- 6.16.030 Allowing Illegal Parking
- 6.16.040 Application for Parking Permit
- 6.16.050 Permit for Parking Outside Trailer Park
- 6.16.060 Fee Charged for Permit--Duration

6.16.010 Definition. "Trailer coach" means any vehicle used, or maintained for use upon highways or City streets, being so designed and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one or more persons and having no other foundation than wheels or jacks. (Ord. 3-64 §1, 1964)

6.16.020 Illegal Parking of Trailers. It is unlawful for any person, firm, or corporation to park any trailer coach:

- (1) On any street, alley, highway, or other public place within the corporate limits of the City, for a period of time in excess of two hours, and then only between the hours of sunrise and sunset;
- (2) For more than forty-eight hours on the premises of any occupied dwelling or business building, nor more than twenty-four hours on any lot which is not a part of the premises of any occupied dwelling or business building, except a trailer park, unless a permit therefor shall have been first obtained as required by this chapter. (Ord. 3-64 §2, 1964)

6.16.030 Allowing Illegal Parking. It is unlawful for any person, firm, or corporation to allow any premises occupied by him, her, or it to be used in violation of the terms of this chapter. A violation of this chapter by the occupant of the trailer coach shall raise the presumption that the

violation was consented to by the person, firm or corporation occupying or owning the premises.
(Ord. 3-64 §3, 1964)

6.16.040 A Location for Parking Permit. All applications or a permit to occupy any trailer coach shall be filed with the Mayor on a form furnished by the City and,

(1) The application for a permit to occupy any trailer coach on the premises of an occupied dwelling or business building for a period of time in excess of fourteen consecutive days shall contain the following information:

A. The street and number of the occupied dwelling or business building;

B. The name of the occupant of the dwelling or business building and his written permission to locate;

C. A plat showing the proposed location of the trailer coach on the lot, together with the names and written consent of the owners or their legal agent of all property any portion of which is within two hundred feet of the proposed trailer coach location;

D. A statement of the nature and location of sanitary facilities to be used by the trailer coach occupants and the permission of the occupant of the dwelling or business building on the lot consenting to the use of the facilities, provided, however, that in no case shall the sanitary facilities exceed a distance of one hundred feet from the trailer coach;

E. A statement that all waste water from the trailer coach shall be emptied into a proper sewer connected fixture

F. A statement that all garbage will be kept in fly tight depositories with tight fitting covers, which depositories will be kept in a sanitary condition at all times.

(2) The application for a permit to occupy a trailer coach on the premises of an occupied dwelling or business building for a period of time not exceeding fourteen days in any ninety day period shall contain the following information

A. The street and number of the occupied dwelling or business building;

B. The name of the occupant of the dwelling or business and his written permission to locate;

C. A statement of the nature and location of sanitary facilities to be used by the trailer coach occupants and the permission of the occupant of the dwelling or business building on the lot consenting to the use of facilities provided, however, that in no case shall the sanitary facilities exceed a distance of one hundred feet from the trailer coach;

D. A statement that all wastewater from the trail coach shall be emptied into a proper sewer connected fixture.

E. A statement that all garbage will be kept in fly tight depositories with tight fitting covers, which depositories will be kept in a sanitary condition at all times.

(3) The application for a permit to occupy any trailer coach on a vacant lot shall contain the following information.

A. The description of the vacant property to be occupied, together with the approximate distance measured along the street line to the nearest street intersection;

B. The name of the owner of the property, together with his written permission to locate;

C. A plat showing the proposed location of the trailer coach on the lot, together with the names and written consent of the owners or their legal agents of all property any portion of which is within two hundred feet of the proposed trailer coach location;

D. A statement of the nature and location of the sanitary facilities to be used by the trailer coach occupants and the written permission of the occupant of the premises consenting to

the use of the facilities, provided, however, that in no case shall the sanitary facilities exceed a distance of one hundred feet from the trailer coach;

E. A statement that all waste water from the trailer coach shall be emptied into a proper sewer connected fixture

F. A statement that all garbage will be kept in fly tight depositories with tight fitting covers, which depositories will be kept in a sanitary condition at all times. (Ord. 3-64 §4, 1964)

6.16.050 Permit for Parking Outside Trailer Park. If the application required in Section 6.16.040 contains the necessary true information and written consent, a permit for parking a trailer coach in any location outside of a trailer park may be issued by the Mayor upon approval of a majority of the Council and upon payment of the fee hereinafter set forth. (Ord. 3-64 §5, 1964)

6.16.060 Fee Charged for Permit--Duration. The permit for parking outside a trailer park shall be for such period of time as is specified therein, but the period of time shall not exceed three months. A fee of twenty-five dollars shall be charged for each permit issued. (Ord. 3-64 §6, 1964)

Chapter 6.20

BURNING OF YARD WASTE

Sections:

6.20.010 Permitted--When.

6.20.020 Rules and Regulations

6.20.010 Permitted--When. All open burning of garbage and refuse, except yard waste, shall be prohibited. The burning of yard waste shall be restricted to the following times:

- (1) Beginning with the first Wednesday of April and continuing through the last Saturday of May, burning will be allowed Wednesday, Thursday, Friday and Saturday of each week.
- (2) Beginning with the first Wednesday of October and continuing through the last Saturday of November, burning will be allowed Wednesday, Thursday, Friday and Saturday of each week.
- (3) Burning shall occur from sunrise to sunset on the authorized days only.
- (4) At no time shall yard waste or leaves be deposited in the street or public right-of-way. (Ord. 3-91 S1, 1991; Ord. 2-90 S1, 1990)

6.20.020 Rules and Regulations. Burning may be banned at the discretion of the fire chief, should conditions not be suitable. Burning shall be done in accordance with City ordinances and any rules established by the fire chief. Burning of yard waste shall take place on private property only. No yard waste shall be burned on public property. Adult supervision is required for all burning of yard waste. Such burning may be abated as a nuisance upon complaint and the costs assessed in the same manner as property taxes. Such costs shall include a fine of \$10.00 per hour for every hour that the violation continues, after official notification of the violation. (Ord. 3-91 S2, 1991; Ord. 2-90 S2, 1990)

Chapter.6.24
HAZARDOUS SUBSTANCES

Sections:

- 6.24.010 Purpose
- 6.24.020 Definitions
- 6.24.030 Cleanup Required
- 6.24.040 Notifications
- 6.24.050 Police Authority
- 6.24.060 City Liability
- 6.24.070 Penalty

6.24.010 Purpose. In order to reduce the danger to public health, safety and welfare from hazardous conditions and/or substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills, leakage or release of a hazardous substance which creates an immediate or potential danger to the public health or safety within the City limits. (Ord. 4-92 §1, 1992)

6.24.020 Definitions. For the purpose of this chapter these words have the following meanings: "Authorized person" means the chief of the fire department of the Denver fire department or his duly appointed designee.

"Cleanup" means the removal of the hazardous wastes or substances to a place where such substances would not cause any danger to persons or to the environment, in accordance with state rules thereof of the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor as far as practicable.

"Hazardous condition" means any situation as defined in Section 455B.381, subsection 2, Code of Iowa (1983). "Hazardous substance" means any substance as defined in Section 455B.381, subsection 1, Code of Iowa (1983). "Hazardous waste" means those wastes which are included by definition in Section 455B.411, subsection 2(c), Code of Iowa (1983).

"Responsible person" means the party, whether the owner, agent, lessor or tenant, in charge of the hazardous substance or hazardous wastes being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spillage, leakage or release of a hazardous substance would cause an immediate or potential danger to the public or to any person or to the environment.

"Treatment" means a method, technique or process, including but not limited to neutralization which is designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or a reduction in volume. Treatment includes any activity or processing which is designed to change the physical form or chemical composition of a hazardous waste or substance so as to render it non-hazardous. (Ord. 4-92 §2, 1992)

6.24.030 Cleanup Required. (a) Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance has entered

the environment or has been emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as is feasible to an acceptable and safe condition. The costs of the cleanup shall be borne by the responsible person.

(b) In the event the responsible person cannot be located within a reasonable period of time, or if the responsible person does not cause the cleanup to begin within a reasonable time in relation to the hazard and circumstances of the incident, the City may, by the authorized person, give reasonable notice, based on the character of the hazardous condition, which notice shall set a deadline for accomplishing the cleanup or that the City will proceed to procure cleanup services. Said notice shall set forth a reasonable estimate of the costs of cleanup and the responsible person shall be billed for all costs associated with the cleanup, including but not limited to equipment rendered unserviceable, personnel costs, including overtime, disposal costs and any other costs associated therewith.

(c) If the bill for these services is not paid within thirty days, the City may proceed, after service of notice, either by certified mail or one publication in the local newspaper and hearing before the City Council, to obtain payment by all legal means.

(d) If the cost of cleanup is beyond the capacity of the City to finance it, the authorized person shall proceed pursuant to Section 455B.387, subsection 2, Code of Iowa (1983), and immediately seek any state or federal funds available for said cleanup. (Ord. 4-92 §3, 1992)

6.24.040 Notifications. The first City officer or employee who arrives at the scene of the incident involving hazardous substances, if not a peace officer, shall notify the police department who then shall notify the proper state office in the manner established by state law. (Ord. 4-92 §4, 1992)

6.24.050 Police Authority. If the circumstances so require, the chief of police of the Denver police department or his representative, may:

(1) Evacuate persons from the site of the hazardous condition; and

(2) Establish perimeters, or other boundaries at or near the site of the hazardous condition. Said perimeters or boundaries shall be erected for the purpose of barring all persons except those who are responsible for the cleanup of the hazardous condition. No persons shall disobey an order of the chief of police, the chief of fire or any other peace officer issued under this section. (Ord. 4-92 §5, 1992)

6.24.060 City Liability. The City shall not be liable for any losses by any person, firm or corporation which are alleged to have occurred due to any hazardous condition. (Ord. 4-92 §6, 1992)

6.24.070 Penalty. Any person, firm or corporation violating any provision, section or paragraph of this chapter shall be punished by a fine not to exceed one hundred dollars or imprisoned for not more than thirty days for each and every offense; and each and every day during which a violation occurs shall be a separate and distinct offense. (Ord. 4-92 §7, 1992)