

**CITY OF MUSCATINE
ORDINANCE 2023-0404**

REVISING TITLE 11, CHAPTER 4 -- INSPECTIONS

WHEREAS, The City of Muscatine current subdivision regulations can be found in Title 11 of the City Code of Muscatine; and

WHEREAS, proposed changes to move the current Chapter 4 to Chapter 5 and create a new Chapter 4 of Title 11 of the City Code of Muscatine regarding Inspections have been discussed and reviewed by the City Council at the July 13, 2023, in-depth council meeting; and

WHEREAS, City Council directed City staff to prepare changes to portions of Chapter 4 of Title 11 of City Code related to subdivision inspections; and

WHEREAS, a public hearing was conducted on August 17, 2023 by the City Council of Muscatine prior to the adoption of this ordinance.

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows: The currently adopted versions of Chapter 4 of Title 11 of the City Code are hereby deleted and moved to the new Chapter 5, and Exhibit A as attached hereby is adopted in lieu thereof.

SECTION 1: **AMENDMENT** “CHAPTER 11-4 ENFORCEMENT” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

CHAPTER 11-4 ~~ENFORCEMENT~~INSPECTION

SECTION 2: **AMENDMENT** “11-4-1 Approval Required” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

11-4-1 ~~Approval~~Inspections Required

~~No plat of any subdivision shall be entitled to record in the County Recorder's Office or be of any validity until it shall be approved in the manner prescribed herein. Upon approval, the subdivider shall be responsible for the recording of all necessary documents and plats.~~The Developer shall notify the City Engineer of both the start and completion of approved improvements. All public improvements proposed to be made as part of a development shall be inspected during the course of construction by the City Engineer or his representative. All fees and costs associated with review of plans and specifications and inspections shall be paid by the Developer. The fees and cost shall be set at the prevailing rate. If it is determined that improvements are being built in violation of City Standards the inspector will notify the City Engineer who may issue a stop work order.

SECTION 3: AMENDMENT “11-4-2 Building, Repair Permits” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

11-4-2 ~~Building, Repair Permits~~Daily Inspection Log

~~No building or repair permits shall be granted for any structure located on a lot in any subdivision within the limits of the City, the plat of which has been prepared after the adoption of this Title, but which has not been approved in accordance with the provisions contained herein.~~The City Engineer, or his representative, shall maintain a daily log of construction activity related to the proposed improvements. Copies of the log entries shall be submitted to the City Engineer on a weekly basis during construction. The purpose of the log is to provide backup information for the developer's engineer and the City Engineer to recommend acceptance and approval of the improvements by the city council and to provide actual construction records of any problems that may develop. The daily log shall contain the following minimum information:

- A. Weather Conditions
- B. Site Conditions
- C. Contractor's working hours
- D. Inspector's hours on site
- E. An explanation of the actual work performed by the contractor that day
- F. Specific information about material tests taken
- G. Description of any problems

SECTION 4: AMENDMENT “11-4-3 Conformance” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

11-4-3 ~~Conformance~~ Documentation of Inspections

~~The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Title, unless such subdivisions or street has been approved in accordance with the provisions contained herein.~~ The City Engineer, or his representative, shall make and document the following inspections:

A. Storm and Sanitary Sewer and Water Main Improvements:

1. Inspect all materials and document pertinent items such as pipe manufacture, class, and size.
2. Reject any defective material and ensure that it is not used on the job.
3. Observe the actual pipe laying operation to ensure that all joints are properly made, the pipes are true to line and grade, and the bedding and backfill are done according to the specifications.
4. Document the depth and type of bedding, trench conditions, location of all service laterals, backfilling, and location of all utilities installed and encountered. Location measurements shall be of the accuracy and type required by the City Engineer.
5. Observe and document all final acceptance testing required by the specifications.

B. Street Improvements:

1. Perform and document subgrade, subbase, base and embankment compaction tests.
2. Inspect the alignment and condition of the paving forms.
3. Check and document subgrade depth checks.
4. Check and document paving machine adjustments.
5. Furnish the asphalt or Portland Cement concrete mix design to the City Engineer for approval prior to commencing paving operations.
6. Inspect all concrete pours.
7. Perform and document an appropriate number of air content and slump measurements.
8. Cast compression cylinders or beams and document the results of the tests.
9. Inspect placement of all asphalts.
10. Perform and record asphalt compaction tests.
11. Perform at least one asphalt extraction test and one sieve analysis from an asphalt sample taken on the job site.

C. The City Engineer shall also inspect required improvements upon their completion. The City of Muscatine shall not accept any improvement until the City Engineer has certified that it complies with this chapter.

Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

11-4-4 ~~Changes; Amendments~~ Filing "As Built" Records

~~Any regulations or provisions of this Title may be changed, modified, or amended from time to time by the Council, provided, however, that such changes, modifications, or amendments shall not become effective until after study and report by the Planning Commission and until after a public hearing has been held, notice of which shall be given in a newspaper of general circulation in the City at least four (4) days prior to such hearing.~~ The improvements will not be recommended for acceptance until the following are provided and approved by the City Engineer:

- A. Copies of daily inspection logs
- B. Copies of all material test results
- C. Detailed reproducible "as-built" plans of all public improvements
- D. Certification by the Developer's engineer that all construction was accomplished within reasonably close conformance to the plans and specifications, and that the "as-built" plans accurately reflect actual field conditions
- E. A labor and material payment and maintenance bond posted prior to construction by the Developer's contractor for the installation of all public improvements, using forms provided by the City Engineer
- F. Permanent easements or agreements granted to the City for all public improvements that are not constructed in dedicated right-of-way, using forms provided by the City Engineer
- G. Accurate triangular measurements for sewer and water laterals to permanent items, e.g., fire hydrants, or manholes. The sewer and water services shall be marked with a four inch by four inch (4" x 4") marking, that stands five feet (5') or six feet (6') tall including a curb notch. Laterals shall also be electronically located and coordinates submitted to the City Engineer for inclusion in MAGIC GIS

SECTION 6: **AMENDMENT** "11-4-5 Validity" of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

11-4-5 ~~Validity~~ Privately Developed and Operated Facilities

~~If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or void, such shall not affect the validity of the remaining portions of this Title.~~ Where the subdivision is to contain sewers, sewage treatments plants, water supply systems, park areas, or other physical facilities which will not be maintained by the existing public agencies, provision should be made by trust agreement, which is a part of the deed restrictions and which is acceptable to the proper public agencies, for jurisdiction over the continuous maintenance, supervision, operation and reconstruction of such a facility by the lot owners in the subdivision.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

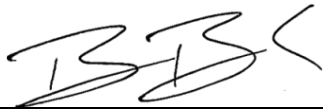
SECTION 8: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: EFFECTIVE DATE This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law.

PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
SEPTEMBER 14, 2023.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Carol Webb, City Clerk, City of
Muscatine

