

# **SANITARY SEWER**

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## CHAPTER 95

# SANITARY SEWER SYSTEM

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**95.01 PURPOSE.** The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

**95.02 DEFINITIONS.** For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. "Building drain" means 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 (5) feet (1.5 meters) outside the inner face of the building wall.

*(IAC, 567-69.3[1])*

3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

*(IAC, 567-69.3[1])*

4. "Combined sewer" means a sewer receiving both surface run-off and sewage.

5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen persons (1500 gpd) or less.
11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. "Sewage" means 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.
16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer service charges" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. "Suspended solids" means 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.

24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

25. "Article." The term "article" as used in these sanitary sewer chapters numbered 95 through 100 refers to Chapters 95 through 100, inclusive.

**95.03 SUPERINTENDENT.** The Superintendent shall exercise the following powers and duties:

*(Code of Iowa, Sec. 372.13[4])*

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

**95.04 PROHIBITED ACTS.** No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

*(Code of Iowa, Sec. 716.1)*

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
4. Objectionable Wastes. Place or deposit 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.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

*(Code of Iowa, Sec. 364.12[3f])*

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

*(Code of Iowa, Sec. 364.12[3f])*

**95.05 SEWER CONNECTION REQUIRED.** The owners of any 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, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

*(Code of Iowa, Sec. 364.12 [3f])*

*(IAC, 567-69.3[3])*

**95.06 SERVICE OUTSIDE THE CITY.** The owners of property outside the corporate limits of the City so situated that it may be served by the City

sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

*(Code of Iowa, Sec. 364.4 [2 & 3])*

**95.07 RIGHT OF ENTRY.** 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 these Sanitary Sewer chapters. The Superintendent or 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.

**95.08 USE OF EASEMENTS.** 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.

**95.09 SPECIAL PENALTIES.** The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, 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.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

**95.10 ADMINISTRATIVE ACTIONS.**

1. The Superintendent may issue a written notice to the user giving the specific nature of violations. The notice may also include the following:
  - A. An order requiring a plan of action for preventing reoccurrence of the violation.
  - B. An order requiring specific action for accomplishing remediation.
  - C. An order requiring the user to respond in writing within 30 days.
2. The Superintendent is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any noncompliance. Such orders will include specific action to be taken by the user to correct noncompliance within a time period specified by the order.
3. The Superintendent may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated as a revision to an existing wastewater discharge permit and shall not require the consent of the user.

**95.11 ACTIONS AUTHORIZED.**

1. Where there has been noncompliance with any section of this article, the Superintendent may request the City Attorney for that purpose, to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction, or both, or such other relief as may be appropriate, to compel the user's compliance with this article.
2. In addition to other remedies provided under this section or other sections of this article, in any action brought at the request of the Superintendent to enforce this article, the City Attorney or the attorney retained by the City is authorized to seek to recover all actual damages and remediation of the sewage system, costs of investigation and administration reasonably related to any particular violation and attorneys' fees.

**95.12 CIVIL PENALTIES.**

1. Each violation of any section of this article or of a permit issued under this article is declared to be a municipal infraction.



2. Each day that a violation of a section of this article continues, and each day that a violation of a permit issued under this article continues, shall be considered a separate municipal infraction.
3. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, commits a municipal infraction punishable by a civil penalty.
4. Any person who fails to perform an act required by the provisions of this article, or who commits an act prohibited by the provisions of this article, commits an environmental violation and shall be guilty of a municipal infraction, punishable by a civil penalty.
5. Violation of a pretreatment standard or of a requirement referred to in 40 CFR 403.8 is an environmental violation punishable by a civil penalty.

**95.13 PERFORMANCE BONDS.** The Superintendent may decline to reissue a permit to any user who has failed to comply with this article or any order or previous permit issued under this article unless such user first files a satisfactory bond payable to the City in a sum not to exceed the value determined by the Superintendent to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall the bond be required to be greater than \$25,000.00. The user shall use a bond form prescribed by the City.

**95.14 REVOCATION OF DISCHARGE PERMIT; TERMINATION OF SEWER SERVICE.**

1. Grounds for revocation of discharge permit and/or for termination of sewer service. Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this section:
  - A. Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - B. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the sewage system at least 90 days prior to such change.
  - C. Tampering with monitoring equipment.

- D. Refusal to allow reasonable access by City or operating contractor personnel to the user's premises for the purpose of inspection, monitoring, or sampling.
  - E. Violation of permit conditions.
  - F. Failure to report an upset, failure, or bypass of the user's pretreatment facilities.
  - G. Failure to pay fines, fees, or sewer user charges.
  - H. Failure to follow enforcement orders or compliance schedules.
  - I. Failure to correct a condition that impedes or alters the City's ability to monitor the user's discharge or has the potential to cause interference or pass through.
  - J. Failure to obtain a wastewater discharge permit as required by this article after notification by the Superintendent that such permit is required.
2. Procedure for revocation of discharge permit and for termination of sewer service. The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:
- A. Any permit issued to a user pursuant to this article may be revoked or sewer service terminated or both, by written order of the Superintendent, specifying the grounds. The Superintendent shall cause the order to be sent to the user by certified mail, return receipt requested, addressed to the user's address, and shall be deemed delivered when placed in the mail. The order shall state that the user shall have an opportunity for hearing before the City Council.
  - B. The order shall not take effect until hearing thereon. The hearing shall be held at the next regular meeting not less than seven days nor more than 40 days from the date of mailing. If the user does not appear for the hearing, the Council shall affirm the order revoking the permit and/or terminating sewer service, which shall take effect immediately.
3. Additional actions or sanctions following revocation of permit or termination of sewer service.
- A. A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the Superintendent.
  - B. Upon determination by the Superintendent that the user's sewer service connection to the sewage system be terminated, the

City public works department shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the City public works department. Upon completion of the disconnection, the City public works department shall certify the City's cost to disconnect the user's sewer service. The Superintendent shall forward to the user whose service was disconnected by certified mail, return receipt requested, or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$100.00 for City supervision.

C. Any building at which sewer service is disconnected as herein provided shall be inspected by the City building official and if appropriate shall be posted as unfit for human occupancy.

**95.15 REINSTATEMENT OF SERVICE.** If service is severed pursuant to this division, the service may be reinstated in the following manner:

1. Upon payment to the City of any delinquency in full, supervision fee of \$100.00, and an inspection by the Superintendent to determine whether the original cause for termination has been corrected, the City will issue a permit for reconnection of the building service line to the sewage system. Such reconnection costs, plus inspection fees for the City in accordance with this Code, shall be at the sole expense of the user.

2. Upon reconnection and payment of all costs described in subsection (1) of this section, the City, through its agents, shall remove the posting from the building, and the building shall, so far as the City is concerned, be fit for human occupancy.

**95.16 EMERGENCY DISCONNECTION OF SERVICE.**

1. Conditions for Immediate Disconnection of Service. The Superintendent may, after informal notice, suspend sewer service to a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the sewage system, or the environment.

2. Procedure for Immediate Disconnection. When the Superintendent determines that a discharge as described in subsection 1 of this section exists, an oral order shall be issued, followed immediately by a written order, to the user stating the problem and requiring immediate cessation of the discharge. A user orally notified of a

suspension of its wastewater permit or sewer service shall immediately stop or eliminate all discharges. If a user fails to immediately and voluntarily comply with the suspension order, the Superintendent shall take immediate action to eliminate the discharge, including disconnection from the sewage system. Methods of informal notice to a user shall include but not be limited to any of the following: personal conversations between user and personnel or the City or its operating contractor, telephone calls, letters, hand-delivered messages or notices posted at the user's premises or point of discharge. The procedure for immediate disconnection shall be as follows:

#### **95.17 ADDITIONAL REMEDIES.**

1. In addition to remedies available to the City set forth elsewhere in this article, if the City is fined by the Iowa Department of Natural Resources or the U.S. Environmental Protection Agency for violations of the National Pollutant Discharge Elimination System permit for the sewage system, or for violations of water quality standards as the result of a discharge of pollutants by an identifiable user, the fine, and all legal, sampling, analytical testing costs and any other related costs, shall be charged to the responsible user. Such charge shall be in addition to any other remedies the City may have under this article at law or in equity.
2. If the discharge from any user results in a deposit, obstruction, damage or other impairment to the sewage system, the user shall become liable to the City and/or the City for any expense, loss, or damage caused by the violations or discharge. The City may add to the user's charges and fees the costs incurred by the City and by the City for any cleaning, repair, or replacement work caused by the violations or discharge.
3. The remedies provided in this article shall not be exclusive, and the City may seek whatever other remedies are authorized by statute, at law or in equity against any persons violating this article.
4. In addition to any other remedies provided in this article, the City and/or the City may initiate an action, either in law or in equity, to obtain an injunction against further violations of this article and for judgment for all costs incurred by the City and/or the City occasioned by the user's violation of any requirements of this article.

## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit  
96.02 Permit Fee and Connection Charge  
96.03 Plumber Required  
96.04 Excavations  
96.05 Connection Requirements  
96.06 Interceptors Required

96.07 Sewer Tap  
96.08 Inspection Required  
96.09 Property Owner's Responsibility  
96.10 Abatement of Violations  
96.11 Unsanitary Conditions

**96.01 PERMIT.** No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 PERMIT FEE AND CONNECTION CHARGE.** The person who makes the application shall pay a fee in the amount of twenty-five dollars (\$25.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of two hundred dollars (\$200.00) paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

**96.03 PLUMBER REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of these Sanitary Sewer chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written

report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the minimum sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

**96.04 EXCAVATIONS.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

**96.05 CONNECTION REQUIREMENTS.** Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied 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. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. 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.

4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line and at a uniform grade of not less than the following:

- A. Four (4) inch lines: one-fourth ( $\frac{1}{4}$ ) inch per foot.
- B. Six (6) inch lines: one-eighth ( $\frac{1}{8}$ ) inch per foot.
- C. Minimum velocity: 2.50 feet per second with the sewer half full.
- D. Deviations: any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with properly curved pipe and fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in Division 4 of the State Building Code except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

- A. Clay sewer pipe - A.S.T.M. C-700 (extra strength).
- B. Extra heavy cast iron soil pipe - A.S.T.M. A-74.
- C. Cast and ductile iron water pipe - A.S.T.M. A-377.
- D. PVC - DWV - A.S.T.M. D-2665.

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.

11. Jointing. Fittings, type of joint, and jointing material shall be commensurate with the type of pipe used, subject to the approval of the Superintendent.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

**96.06 INTERCEPTORS REQUIRED.** Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.



2. **Construction Standards.** The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. **Maintenance.** All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

**96.07 SEWER TAP.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a "Y" saddle shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

**96.08 INSPECTION REQUIRED.** All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

**96.09 PROPERTY OWNER'S RESPONSIBILITY.** All costs and expenses incident to the installation, connection and maintenance 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.

**96.10 ABATEMENT OF VIOLATIONS.** Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work

and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

*(Code of Iowa, Sec. 364.12[3])*

**96.11 UNSANITARY CONDITIONS.** It is unlawful to use or occupy a premises for dwelling purposes for a period of thirty (30) days or more without proper connection to a lawful sewer system. Any person who violates any provision of this section shall be guilty of a simple misdemeanor. The enforcement officer designated in Chapter 145 of this Code of Ordinances may deem such premises a dangerous building as provided in Chapter 145 and may authorize the posting of signs and the removal of occupants from the premises.

## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Storm Water  
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97.04 Restricted Discharges

97.05 Restricted Discharges - Powers  
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97.07 Control Manholes  
97.08 Testing of Wastes

**97.01 STORM WATER.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, 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.

**97.02 SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

**97.03 PROHIBITED DISCHARGES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. 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) milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the 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 fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two (2) percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, 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 ( $\frac{1}{2}$ ) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
  - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**97.05 RESTRICTED DISCHARGES - POWERS.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;

2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Controls Imposed. Require control over the quantities and rates of discharge; and/or

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

**97.06 SPECIAL FACILITIES.** If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. 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 the owner's expense.

**97.07 CONTROL MANHOLES.** 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 the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**97.08 TESTING OF WASTES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association, 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 premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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## CHAPTER 98

### ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited  
98.02 When Required  
98.03 Compliance with Regulations  
98.04 Permit Required

98.05 Discharge Restrictions  
98.06 Maintenance of System  
98.07 Systems Abandoned  
98.08 Disposal of Septage

**98.01 WHEN PROHIBITED.** Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

*(Code of Iowa, Sec. 364.12[3f])*

**98.02 WHEN REQUIRED.** When a public sanitary is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

*(IAC, 567-69.1[3])*

**98.03 COMPLIANCE WITH REGULATIONS.** The type, capacity, location and layout of an on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

*(IAC, 567-69.1[3 & 4])*

**98.04 PERMIT REQUIRED.** No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

**98.05 DISCHARGE RESTRICTIONS.** It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

*(IAC, 567-69.1[3])*

**98.06 MAINTENANCE OF SYSTEM.** The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

**98.07 SYSTEMS ABANDONED.** At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

*(Code of Iowa, Sec. 364.12[3f])*

**98.08 DISPOSAL OF SEPTAGE.** No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

**CHAPTER 99**

**SEWER SERVICE CHARGES**

99.01 Sewer Service Charges Required  
99.02 Rate  
99.03 Special Rates  
99.04 Private Water Systems

99.05 Payment of Bills  
99.06 Lien for Nonpayment  
99.07 Special Agreements Permitted

**99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer shall pay to the City sewer service fees as hereinafter provided.

*(Code of Iowa, Sec. 384.84)*

**99.02 RATE.** Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed as follows:

Gallons Used Per Month	Rate Charged
No usage to 1,000 gallons	\$47.25 (minimum amount due)
Over 1,000 gallons	\$4.62 per 1,000 gallons or part thereof

In no case shall the minimum service charge be less than \$11.15 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility. On or before January 2 of each year, the Clerk shall adjust the sewer service rate based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index as established by the Federal Government for the preceding twelve-month period. The Council shall consider the recommendation and any proposed change in rate at the next Council meeting. This increase shall go into effect on January 15.

**99.03 SPECIAL RATES.** Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.04 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer

or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

*(Code of Iowa, Sec. 384.84)*

**99.05 PAYMENT OF BILLS.** All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**99.06 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.07 SPECIAL AGREEMENTS PERMITTED.** No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

## CHAPTER 100

# REGULATION OF AND CHARGES FOR PROHIBITED OR RESTRICTED DISCHARGES

100.01 Application of Chapter

100.02 Inspection, Sampling and Recordkeeping  
Authority

100.03 Identification of Restricted Discharges

100.04 Surcharges on Extra Strength Discharges

**100.01 APPLICATION OF CHAPTER.** The regulations of this chapter shall apply in the absence of a special agreement permitted (as permitted by section 99.07) or determination of the superintendent (as permitted by sections 97.04 or 97.05) related to the prohibited and restricted discharges defined in chapter 97. As used in this chapter, the term "article" refers to these sanitary sewer chapters numbered 95 through 100, inclusive.

**100.02 INSPECTION, SAMPLING AND RECORDKEEPING AUTHORITY.** By connection to the sewage system, users shall be deemed to have accepted the following:

1. Users shall permit the superintendent or authorized representatives or agents to enter upon all properties and all parts of the premises for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties.
2. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.

**100.03 IDENTIFICATION OF RESTRICTED DISCHARGES.**

1. The City shall determine which users have wastewater discharges with strengths greater than maximum normal domestic wastewater. All costs associated with surcharge sampling or evaluation will be assessed to the user. Based upon this initial determination, the City shall notify the user of the surcharge rate to be charged each month during the next six months or until the next time the surcharge rate is calculated.
2. The City shall provide for the analysis of at least three successive composite samples for each discharge point for users determined by the Superintendent to discharges greater than maximum normal domestic wastewater. The samples shall be analyzed for pH, CBOD5 (or COD), TSS, and TKN (or NH3). Samples taken for facilities with less than two years of historical data containing surcharge parameter analyses must be collected in as close a time frame as possible. Samples collected for other purposes,

containing the required information, may be used. When requested by the user, on a case-by-case basis, the City may allow the use of a single composite sample for the purpose of determining a monthly surcharge rate.

3. Any user may have more samples analyzed than required. The additional data may be used to modify or revise the surcharge rate as appropriate; however, the surcharge rate will not be revised more frequently than once every six months unless significant process changes have occurred. All costs for the additional sampling shall be the responsibility of the user.

4. All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. All samples and analyses shall comply with the procedures specified in 40 Code of Federal Regulations (hereinafter referred to as CFR) 136. Any data sets which do not meet this requirement shall be rejected.

**100.04 SURCHARGES ON EXTRA STRENGTH DISCHARGES.** To provide for the recovery of costs from users of the sewage system and for the implementation of the pretreatment program established by this article, the following fees are hereby established and shall be applicable to discharges by all users:

1. Contribution fees. All users contributing wastewater in excess of the following concentrations during any part of the billing cycle shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

- A. For BOD or CBOD in excess of 300 mg/l, \$.20 per 1,000 gallons.
- B. For TSS in excess of 350 parts per million, \$.20 per 1,000 gallons.

2. Laboratory Fees. The user shall pay the cost of the City's laboratory fees.

3. Handling and Inspection Fees. The user shall pay \$30.00 per test for the costs of inspecting facilities and for the costs of obtaining, processing and transporting samples.

4. Identifiable Increases. Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the biosolids from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment work, shall pay for such increased costs. The charge to each such user shall be as determined by the Superintendent.

## CHAPTER 101

# STORM WATER UTILITY

101.01 Short Title	101.09 Prohibited Acts
101.02 Findings	101.10 Permit for Right-of-Way Discharge
101.03 Storm Water Utility Established	101.11 Land Division
101.04 Purpose	101.12 New Construction
101.05 Management and Enforcement Authority	101.13 New Utility Accounts
101.06 Fund	101.14 Order for Connection or Abatement
101.07 Surcharge	101.15 Violations and Penalties
101.08 Fees	101.16 Appeal

**101.01 SHORT TITLE.** This chapter shall be known as the Zearing Storm Water Utility Code.

**101.02 FINDINGS.**

1. The City Council finds that the detention, management, and discharge of surface and subsurface storm waters materially affects the health, safety, and welfare of the population of the City. The City Council further finds that the systems of a storm water management utility are of benefit and provide services to all real properties within the incorporated City limits, including those real properties directly and indirectly served.

2. The City Council finds that storm water management provides numerous benefits to the City, property owners, and citizens, all of which are of benefit to all citizens and real properties both directly and indirectly, including, but not limited to:

A. Providing important systems of collection, conveyance, detention, treatment and release of storm water;

B. Reducing the hazard to life and property resulting from storm water runoff and flooding;

C. Improving general health and welfare through reduction of undesirable storm water conditions and flooding, including reductions in pestilence and disease; and

D. Improving water quality in the storm water and surface water system and its receiving waters.

3. Based upon utility department and engineering studies and recommendations, the City Council finds that the infiltration of storm water into the sanitary sewer and wastewater treatment systems is a serious and on-going problem for municipal utility systems. It is necessary to reduce and ultimately to eliminate storm waters from the sanitary sewer and wastewater treatment systems in order to -

A. Maintain compliance with federal and state wastewater treatment permits and regulations; and

B. Reduce or limit the burdensome costs of maintaining or expanding wastewater treatment systems.

4. The City Council finds that there is a significant, burdensome, and on-going economic cost to the City, to tax-payers, and to the citizens thereof, which affects utility rates and general property taxes, caused by persons who refuse or neglect, regardless of their knowledge of the circumstances, to come into compliance with ordinances requiring disconnection and removal of storm water effluents from the sanitary sewer and wastewater treatment systems.

#### **101.03 STORM WATER UTILITY ESTABLISHED.**

1. A Storm Water Utility is created.
2. The City Council is the governing body of the Storm Water Utility.
3. The Storm Water Utility shall be responsible for storm water management within the corporate boundaries of the City and shall provide for the collection, treatment, and disposal of storm water, surface water, and groundwater and the management, protection, control, regulation, use, and enhancement of storm water management systems and facilities.
4. The Storm Water Utility consists of and includes all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewer, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or man-made, within the corporate boundaries of the City, which control or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system that (1) are located within public streets, rights-of-ways and easements; (2) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (3) are located on public lands to which the City has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of storm water systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner or its occupant.

**101.04 PURPOSE.** The Storm Water Utility shall provide for repairing, replacing, improving, and constructing of storm water sewers, drainage ditches, and other storm water collection, detention, management, and discharge facilities. The Storm Water Utility shall provide for the disconnection of storm water drains and rectification of other infiltration sources into the sanitary sewer and wastewater treatment systems.

#### **101.05 MANAGEMENT AND ENFORCEMENT AUTHORITY.**

1. The utility superintendent shall supervise the day-to-day operation of the Storm Water Utility.
2. The utility superintendent shall have the authority to enforce the provisions of this chapter and shall carry out the policy directives of the City Council acting in this role as governing body. As used in this chapter the term "utility superintendent" includes the utility superintendent's designee.



3. The utility superintendent shall have the authority to inspect within or upon private property all connections to public utility systems to determine compliance with this chapter and this Code of Ordinances.

4. The utility superintendent may determine and assess civil penalties provided herein in the absence of direction by the governing body. The utility superintendent may suspend or defer civil penalties upon such conditions as in the opinion of the utility superintendent will achieve compliance with the provisions of this chapter.

5. The utility superintendent may prescribe additional written regulations for the administration of the terms of this chapter.

**101.06 FUND.** A separate fund shall be created for the accounting of revenues and expenditures associated with the Storm Sewer Utility.

**101.07 SURCHARGE.** The surcharge for the Storm Water Utility shall be charged to each customer as defined in Section 90.01. The utility superintendent shall cause the surcharge to be billed together with monthly water and sewer utility charges as part of the combined service account as provided in Section 92.04. The surcharge provided in this chapter and delinquencies thereof shall be subject to the provisions of Sections 92.05, 92.06, 92.07, and 92.08.

**101.08 FEES.** The monthly storm water charge shall be \$1.50 per month for each customer.

**101.09 PROHIBITED ACTS.**

1. No person shall discharge storm water into the sanitary sewer system.

2. No person shall discharge storm water by a sump line on to the public right-of-way, unless the person shall first have obtained an inspection of the person's utility lines and have obtained a permit for discharge.

3. No person shall break, damage, destroy, uncover, deface, or tamper with any structure, pipe, appurtenance, equipment or other facility that is part of the storm water management system.

4. No person individually or through another shall throw, drain, allow to seep, or otherwise discharge into the storm water management system any substance, whether liquid, solid, or gas, other than storm water.

5. Alter or connect to the storm water management system without the consent of the utility superintendent.

**101.10 PERMIT FOR RIGHT-OF-WAY DISCHARGE.** The utility superintendent may issue a permit for right-of-way discharge to a responsible person if, in the opinion of the utility superintendent, (1) the public storm sewer is not within a reasonable proximity to the property, (2) the discharge does not create a traffic or pedestrian hazard, and (3) there is adequate surface drainage capacity available. The responsible person shall accept the permit subject to the condition that the utility superintendent may withdraw the permit and discontinue permission to discharge upon a right of way at any time the conditions required by this paragraph shall no longer be true.

**101.11 LAND DIVISION.** No new subdivision of land shall be approved by the City until the responsible person shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land to be divided. The governing body may require the installation and dedication to the public of storm sewers and other structures, easements for detention or flowage of surface waters, connection to municipal storm sewers or storm water management systems, sump lines, and on-site management and detention facilities.

**101.12 NEW CONSTRUCTION.**

1. No building permit shall be issued until the applicant shall have provided for the adequate detention, management, removal, or a combination of detention, management, and removal of storm water from the land upon which the structure is to be constructed.
2. If the building permit is for an addition to an existing structure, no building permit shall be issued unless the applicant has is in compliance with this chapter.
3. The applicant shall disclose to the City and comply with an approved plan for detention, management, and removal of storm water during construction and when construction is completed.

**101.13 NEW UTILITY ACCOUNTS.** No water or sewer service shall commence until the applicant for such utility service shall be in compliance with this chapter. Compliance may be established by an inspection of the utility superintendent.

**101.14 ORDER FOR CONNECTION OR ABATEMENT.** The utility superintendent may order a property owner to install a sump pump and discharge line and to connect the discharge line to the public storm sewer system if, in the opinion of the utility superintendent the public storm sewer system is within a reasonable proximity to a property. The abatement order may be joined with a notice of nuisance or a notice of municipal infraction.

**101.15 VIOLATIONS AND PENALTIES.**

1. A violation of this chapter may be charged as a municipal infraction. The governing body may by separate resolution establish a schedule of civil penalties to be assessed for particular violations.
2. A violation of this chapter may, in addition to or in place of other remedies provided herein, be charged as a simple misdemeanor.
3. A violation of this chapter is a public nuisance. Upon notice and after opportunity for hearing, the City Council may cause a violation to be abated and the reasonable expenses thereof to be taxed to the real property, all in accordance with section 364.12 of the Code of Iowa.

**101.16 APPEAL.** An aggrieved person may, within 20 days, appeal a decision of the utility superintendent to the City Council. The City Council may affirm, modify, or reverse the decision of the utility superintendent.