

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 degrees (20°) C, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building 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.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Cleanout” means an access opening in the drainage system utilized for the removal of obstructions. Types of cleanouts include a removable plug or cap, and a removable fixture or fixture trap.
5. “Combined sewer” means a sewer receiving both surface run-off and sewage.
6. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
7. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
8. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
9. “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.

10. "Major Rehabilitation" means any repair or corrective action performed on a building sewer other than routine cleaning and inspection.
11. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
12. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four (4) or fewer dwelling units or other facilities serving the equivalent of fifteen (15) persons (1500 gpd) or less.
13. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
14. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "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.
16. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
17. "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.
18. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
19. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer" means a pipe or conduit for carrying sewage.
21. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
22. "Slug" means any discharge of water, sewage, or industrial waste that 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.
23. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
24. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
25. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
26. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 1505, passed 8-17-2015)

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 that 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 that 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 two hundred (200) feet (sixty-one (61) 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, 567-69.1[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.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01	Permit	96.06	Sewer Tap
96.02	Permit Fee and Connection Charge	96.07	Inspection Required
96.03	Plumber Required	96.08	Property Owner's Responsibility
96.04	Excavations	96.09	Abatement of Violations
96.05	Connection Requirements	96.10	Cleanout Required

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. The person who makes the application shall pay a fee in the amount of fifty dollars (\$50.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the International Plumbing Code and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the International Plumbing Code, the laws of the State and other applicable rules and regulations of the City.

96.06 SEWER TAP. No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the International Plumbing Code.

96.07 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.

96.08 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.

96.09 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])

96.10 CLEANOUT REQUIRED. An exterior cleanout shall be installed on all newly constructed building sewers or any existing building sewer that receives major rehabilitation. The cleanout shall be located within 15 feet of the junction of the building drain and building sewer. If it is not feasible to locate the cleanout within this distance, locate the cleanout at a location approved by the Superintendent. The type of cleanout shall be approved by the Superintendent.

(Ord. 1506, passed 8-17-2015)

CHAPTER 97

USE OF PUBLIC SEWERS

97.01	Storm Water	97.05	Restricted Discharges; Powers of Superintendent
97.02	Surface Waters Exception	97.06	Special Facilities
97.03	Prohibited Discharges	97.07	Control Manholes
97.04	Restricted Discharges	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 that 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 fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.

A. Any waters or wastes: (i) having a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or (ii) containing more than three hundred fifty (350) parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. 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: (i) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight; or (ii) reduce the suspended solids to three hundred fifty (350) parts per million by weight; or (iii) 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 degrees (150°) F (sixty-five degrees (65°) 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 that may solidify or become viscous at temperatures between thirty-two degrees (32°) F and one hundred fifty degrees (150°) F (zero degrees (0°) to sixty-five degrees (65°) 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 (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 that 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 of 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 that 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 that, 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 that 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 that 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 OF SUPERINTENDENT. 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 for 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 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01	When Prohibited	98.05	Discharge Restrictions
98.02	When Required	98.06	Maintenance of System
98.03	Compliance with Regulations	98.07	Systems Abandoned
98.04	Permit Required	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 sewer 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 a private 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 USE CHARGE

99.01	Purpose	99.08	Responsibility for Increased Costs
99.02	Definitions	99.09	Application
99.03	Use of Funds	99.10	Payment of Bills
99.04	Accounts Designated	99.11	Lien for Nonpayment
99.05	Year-End Balances	99.12	Review of User Charge System
99.06	Charges Based on Usage	99.13	Notification of Rate Change
99.07	Sewer User Charge		

99.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

99.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Normal domestic wastewater" means wastewater that has a BOD₅ concentration of not more than 300 mg/l, a suspended solids concentration of not more than 300 mg/l and an ammonia-N concentration of not more than 35 mg/l.
2. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for the management and maintenance of the sewer works to achieve the capacity and performance for which such works were designed and constructed.
3. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
4. "Residential contributor" means any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.
5. "Treatment works" means any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment

systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

6. "Useful life" means the estimated period during which the wastewater treatment works will be operated.

7. "User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

8. "Water meter" means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

99.03 USE OF FUNDS. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 ACCOUNTS DESIGNATED. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established herein shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.

2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made monthly from the operation, maintenance and replacement revenue in the amount of ten thousand dollars (\$10,000.00) annually.

99.05 YEAR-END BALANCES. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.06 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user's use of the treatment works as determined by water meters acceptable to the City. Monthly user charges will be based on water usage during the current month as

evidenced by meter readings. If a customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the customer's expense, and in a manner acceptable to the City.

99.07 SEWER USER CHARGE. Each user of the treatment works shall pay a monthly user charge in accordance with the following:

<i>Effective July 1, 2016 through June 30, 2017</i>	
Monthly Water Usage	City User Charge
First 2,000 gallons or less	\$24.95 (minimum bill)
All over 2,000 gallons	\$12.47 per 1,000 gallons

<i>Effective July 1, 2017 through June 30, 2018</i>	
Monthly Water Usage	City User Charge
First 2,000 gallons or less	\$29.69 (minimum bill)
All over 2,000 gallons	\$14.84 per 1,000 gallons

<i>Effective July 1, 2018 through June 30, 2019</i>	
Monthly Water Usage	City User Charge
First 2,000 gallons or less	\$35.33 (minimum bill)
All over 2,000 gallons	\$17.66 per 1,000 gallons

(Ord. 1705, passed 6-17-2017)

99.08 RESPONSIBILITY FOR INCREASED COSTS. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge 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 works shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Council.

99.09 APPLICATION. The user charge rates established in this chapter apply to all users of the City's treatment works, regardless of their location. The user charge ordinance shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Federal Clean Water Act and 40 CFR Part 35.2140 dated February 17, 1984.

99.10 PAYMENT OF BILLS. All sewer user 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.

99.11 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, 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)

99.12 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge system at least every two (2) years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

99.13 NOTIFICATION OF RATE CHANGE. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

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CHAPTER 101

STORM WATER MANAGEMENT SYSTEM AND FACILITIES

101.01	Purpose	101.04	Director of Public Works
101.02	Definitions	101.05	Prohibited Acts
101.03	Scope and Responsibility for the Storm Water Utility	101.06	Right of Entry
		101.07	Penalties

101.01 PURPOSE. The purpose of this chapter is to establish a Storm Water Utility which shall be responsible for storm water management within the corporate boundaries of the City of Pleasantville and shall provide for the management, protection, control, regulation, use and enhancement of storm water management systems and facilities.

101.02 DEFINITIONS.

1. “Commercial/Industrial” means any developed land whereon multiple family dwellings, town homes, commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals, convalescent centers and where anything other than residential has been constructed.
2. “Customers of the storm water utility” includes all persons, properties and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public storm water management system and facilities.
3. “Developed land” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area as defined in this chapter.
4. “Duplex dwelling” means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families with separate housekeeping and cooking facilities for each. In the application of storm water service charge rates, duplex dwelling properties shall be treated as two (2) single family dwellings.
5. “Dwelling unit” means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
6. “Impervious surface area” means those areas which prevent or impede the infiltration of storm water into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.

7. “Multiple family dwelling” means a building or portion thereof containing more than three (3) dwelling units designed for or occupied by more than three (3) families with separate housekeeping and cooking facilities for each. In the application of storm water service charge rates, multiple family dwelling properties shall be treated as commercial/industrial.

8. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coli form bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

9. “Residential” means any developed land whereon a single family dwelling or a duplex dwelling has been constructed.

10. “Service charge” means the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Pleasantville storm water utility. Service charges are based on measurable parameters which influence the storm water utility’s cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each parcel of development property. The service charge shall be determined from time to time by resolution of the City Council.

11. “Single family dwelling” means a building containing only one (1) dwelling unit and designed for and occupied exclusively for residence purposes by only one (1) family.

12. “Storm water management systems and facilities” addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of storm water or surface water drainage.

13. “Substantial completion” represents the date when the construction has been completed and the City of Pleasantville has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary certificate of occupancy or permanent certificate of occupancy.

14. “Townhome dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of storm water service charge rates, each townhome dwelling shall be treated as one (1) single family dwelling.

15. “Undeveloped land” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of storm water

or cause storm water to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

101.03 SCOPE AND RESPONSIBILITY FOR THE STORM WATER UTILITY. The City of Pleasantville storm water utility consists of 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 of Pleasantville which control and/or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City of Pleasantville owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which (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 of Pleasantville 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 of Pleasantville 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 DIRECTOR OF PUBLIC WORKS. The Director of Public Works has the following powers and duties related to the City of Pleasantville storm water utility:

1. Operations and maintenance – Operation and maintenance of the storm water management systems and facilities.
2. Inspection and tests – Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records – Maintain a complete and accurate record of all storm water management systems and facilities.
4. Policies – Recommend to the City Council policies to be adopted and enforced implementing the provisions of this chapter.

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

1. Damage storm water management systems and facilities – Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the storm water management systems or facilities.
2. Illicit discharges – No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Pleasantville storm water management system and facilities, including but not limited to pollutants or waters containing any pollutants, other than storm water.
3. Manholes – Open or enter any manhole, structure or intake of the storm water system, except by authority of the Director of Public Works.
4. Connection – Connection to any private storm water system to the City's storm water management system and facilities, except by authority of the Director of Public Works.

101.06 RIGHT OF ENTRY. The Director of Public Works and other authorized employees of the City of Pleasantville bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private storm water discharges directly or indirectly entering into any public storm water management system or facility in accordance with the provisions of this chapter.

101.07 PENALTIES. The following penalty provisions shall apply to violations of the storm water utility chapters (of this Code of Ordinances).

1. Notice of Violation – Any person found to be violating any provisions of these chapters shall be served by the City of Pleasantville 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 remedy all violations.
2. Continuing Violations – Any person who shall continue any violation beyond the time limit provided for in Subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 3 of this Code of Ordinances. Each day, which said violation continues, shall be deemed a separate offense.
3. Liability Imposed – Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(Chapter 101, Ord. 1703, passed 5-15-2017)

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CHAPTER 102

STORM WATER SERVICE CHARGES

102.01	Storm Water Service Charges Required	102.06	Billing for Storm Water Service
102.02	Effective Date of Storm Water Service Charges	102.07	Lien for Non-Payment
102.03	Rates	102.08	Lien Notice
102.04	Rate Appeals	102.09	Discontinuance of Service
102.05	Exemptions from Charges	102.10	Annual Revision of Rates

102.01 STORM WATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the storm water management system and facilities of the City of Pleasantville, either directly or indirectly, shall pay to the City storm water service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the storm water management system and facilities.

102.02 EFFECTIVE DATE OF STORM WATER SERVICE CHARGES. This ordinance shall be in full force and effect from and after the date of its publication as provided by law. The rates shall be effective for meter readings taken on or after July 1, 2017 and shall be billed monthly thereafter to all customers.

102.03 RATES. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, at the same time payment for City sewer is made, at a rate as follows:

1. Undeveloped Land. A flat storm water service charge at the rate of \$0 per month, regardless of the amount of consumption by each customer.
2. Residential. A flat storm water service charge at the rate of \$3 per month, per dwelling unit, regardless of the amount of the consumption by such customer.
3. Commercial/Industrial. A flat storm water service charge at the rate of \$6 per month, regardless of the amount of the consumption by such customer.

102.04 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Pleasantville City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

3. In response to an appeal, the City Administrator may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
5. All decisions of the City Council shall be final.

102.05 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. Property owned by a public governmental entity, such as:
 - A. The State of Iowa;
 - B. The County of Marion;
 - C. The City of Pleasantville;
2. Railroad right-of-way (tracks); and
3. A subdivided lot until a substantially completed structure has been built on the lot.

102.06 BILLING FOR STORM WATER SERVICE. Billing and payment for storm water services shall be in accordance with the following:

1. Bills Issued – The City Clerk shall prepare and issue bills for storm water service on or before the first day of the month following each monthly billing period.
2. Bills Payable – Bills for storm water service shall be due and payable upon receipt at the office of the City Clerk following the end of each monthly billing period.
3. Late Payment Penalty – Bills not paid after the twentieth (20th) of the month shall be considered delinquent. A one-time late payment penalty of \$2.50 shall be added to each delinquent bill.
4. Returned Checks – A fee, as set forth in the fee schedule established by City Council of the City of Pleasantville, shall be charged for all checks not honored by the bank.

102.07 LIEN FOR NON-PAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for storm water service charges to the premises. Storm water service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and may be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

102.08 LIEN NOTICE. A lien for delinquent storm water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

102.09 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the Director of Public Works may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefore in good faith.

102.10 ANNUAL REVISION OF RATES. The City will review the storm water service charges at least yearly and revise the storm water service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a storm water management system and facilities and that the storm water service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a storm water management system and facilities among the users and user classes. The liability of a storm water service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

(Chapter 102, Ord. 1704, passed 5-15-2017)

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