

## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

**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. “BOD” (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. “CBOD” (denoting Carbonaceous Biochemical Oxygen Demand) means the amount of oxygen consumed in the biological processes that break down carbonaceous organic matter in water by aerobic biochemical action in five (5) days at twenty degrees (20°) C.
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 which 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. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
11. "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.
12. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
13. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
14. "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.
15. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
16. "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.
17. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
18. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
19. "Sewer" means a pipe or conduit for carrying sewage.
20. "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.
21. "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.
22. "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.
23. "Superintendent" means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
24. "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.
25. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

**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 or entity 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, 567-69.1[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  
96.02 Permit Fee  
96.03 Installation of Building Sewers  
96.04 Connection Requirements  
96.05 Sewer Tap

96.06 Inspection Required  
96.07 Property Owner's Responsibility  
96.08 Abatement of Violations  
96.09 Abandoned Connections

**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 to the Clerk in an amount set by resolution of the Council to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

**96.03 INSTALLATION OF BUILDING SEWERS.** All installations of building sewers and connections to the public sewer shall be made by a competent individual knowledgeable in such work. The Superintendent shall have the power to suspend the approval of any such individual 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 individual 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 individual 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 individual shall provide a surety bond in the minimum sum as set by resolution of the Council, 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 as set by resolution of the Council may be filed with the City.

**96.04 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.

**96.05 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 saddle “Y” 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 or attached with a gasket and 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. Tapping fees are set by Council resolution.

**96.06 INSPECTION REQUIRED.** 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 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.

**96.08 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])*

**96.09 ABANDONED CONNECTIONS.** When an existing sewer service is abandoned or is to be unused, it shall be plugged or capped. A building sewer shall be considered abandoned or unused unless a building permit for a new structure which requires sewer service has been applied for. If a building sewer is to be reused, it shall be temporarily disconnected at the property line or in a manner approved by the Wastewater Superintendent. This procedure shall be required at the same time the demolition permit is issued. All lines that are to be plugged or capped must be inspected by the Wastewater Superintendent or the Assistant Wastewater Superintendent before they are covered or buried.

[The next page is 491]

## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges - Powers

97.06 Special Facilities

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. All storm water drainage shall comply with the *Code of Iowa*.

**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. (Other toxic or metal wastes may also be prohibited by the Superintendent as deemed necessary):

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 BOD, 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 percent (2%) 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 or industrial contributor 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, 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, or zinc, arsenic, cadmium, lead, mercury, molybdenum, nickel, selenium, silver or other wastes containing metals that become regulated by the U.S. Environmental Protection Agency or the Iowa Department of Natural Resources.

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 BOD, 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.
  - E. Excessive amounts of cleaning or sanitizing agents including chlorine greater than 2 ppm.
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/sampling structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole or sampling structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole or sampling structure 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 premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD/CBOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's, oil and grease are determined from grab samples).

## 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 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 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 Purpose	99.08 Rate When Private Water Supply Used
99.02 Generation of Revenues by User Charge	99.09 Surcharge for Certain Wastewater Customers
99.03 Operation, Maintenance and Replacement Fund	99.10 Payment of Increased Costs
99.04 Fiscal Year-end Balances	99.11 Payment of Bills
99.05 Use of Treatment Works Determined by Water Meters; Applicability of Rates	99.12 Lien for Nonpayment
99.06 Basis of User Charge	99.13 Review of System and Revision of Rates
99.07 Minimum Charge	99.14 Notification of Rate Change
	99.15 Reimbursement for Construction of Sewers

**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 GENERATION OF REVENUES BY USER CHARGE.** 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 leave a balance of net revenues sufficient to pay the principal of and interest on revenue bonds and pledge orders as they become due.

**99.03 OPERATION, MAINTENANCE AND REPLACEMENT FUND.** All portions of the total user charge collected which is designated for operation and maintenance including replacement purpose shall remain in sewer fund, in accordance with *Code of Iowa* Sec. 384.84.

**99.04 FISCAL YEAR-END BALANCES.** Fiscal year-end balances in the sewer fund shall be carried over to the sewer fund in the subsequent fiscal year, and shall be used for no other purposes than those designated for this account. Moneys which have been transferred from other sources to meet temporary shortages in the sewer 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.

**99.05 USE OF TREATMENT WORKS DETERMINED BY WATER METERS; APPLICABILITY OF RATES.** 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. The user charge rates established in this chapter apply to all users, regardless of their location, of the City's treatment works.

**99.06 BASIS OF USER CHARGE.** For residential customers, monthly user charges shall be based on the water usage for that month. For industrial and commercial customers, user

charges may be based on water used during the current month. If a commercial or industrial 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 MINIMUM CHARGE.** The minimum charge per month shall be \$7.72. In addition, each customer shall pay a user charge rate for operation and maintenance including replacement and debt service of \$1.8311 per 1,000 gallons of water (or wastewater) as determined in the preceding section.

**99.08 RATE WHEN PRIVATE WATER SUPPLY USED.** The charge or rate for the use of and service rendered by the sewage treatment plant to all contributors of sewage and industrial wastes, using either a private water supply or a private water supply in addition to water furnished by the City, or its successor, shall be figured on the following basis: The quantity of water from such privately owned supplies, used and discharged into the sanitary utilities, shall be determined to the satisfaction of the City at the expense of the owner. If the estimated quantity of water from any such supply exceeds fifty (50) gallons per day, the City may require that such water supply be metered at the expense of the owner. After the quantity of water from such private water supply or from such private water supply in addition to water purchased from the City or its successor that is used and discharged into the sanitary utilities has been determined, the equivalent net water bill at current rates of the City or its successor shall be computed. The sewage service rates for the premises shall then be calculated by the application of the proper percentage as set out under Section 99.07.

**99.09 SURCHARGE FOR CERTAIN WASTEWATER CUSTOMERS.** For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

CBOD/BOD, per pound (for concentrations in excess of 200 mg/l) .....	\$0.1856
SS, per pound (for concentrations in excess of 240 mg/l).....	\$0.2220
Ammonia nitrogen, per pound.....	\$0.7716
Oil and grease, per pound (for concentrations in excess of 100 mg/l) .....	\$0.50

**99.10 PAYMENT OF 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 caused 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.

**99.11 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.

**99.12 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)*

**99.13 REVIEW OF SYSTEM AND REVISION OF RATES.** The City shall review the user charge system at least every five (5) 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.

**99.14 NOTIFICATION OF RATE CHANGE.** The City will notify each user of any rate change. This notice will be in conjunction with a regular bill. This notice will include the rate being charged for operation and maintenance including replacement of the treatment works.

**99.15 REIMBURSEMENT FOR CONSTRUCTION OF SEWERS.** The City will reimburse developers in amounts established by the Council for the construction of new sanitary sewer main and new sanitary sewer manholes which are needed in subdivisions to provide the sanitary sewer main extension to the end of lots or frontage of the most remote lots in the subdivision. The City shall also reimburse for the construction of sanitary sewer main and manholes in subdivisions that are beyond that stated above but which are necessary for connecting two existing or future subdivisions or necessary in order to loop the sanitary sewer system. The total reimbursable amount will then be divided by the number of lots to determine the amount to be reimbursed per lot. The reimbursable amount per lot will be paid to the developer for dwellings as to which occupancy permits are issued within five (5) years of the City's acceptance of the public improvements contained in the subdivision, as follows: one half (1/2) of the reimbursable amount per lot upon issuance of an occupancy permit for the dwelling situated upon such lot, and the remaining half of the reimbursable amount per lot one year thereafter.

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## CHAPTER 100

# INDUSTRIAL SEWER USER COMPLIANCE ENFORCEMENT

### 100.01 Definitions

### 100.02 Applicability

### 100.03 Publication of Users in Noncompliance

### 100.04 Administrative Enforcement Remedies

### 100.05 Other Remedies

### 100.06 Affirmative Defenses to Discharge Violations

**100.01 DEFINITIONS.** This chapter hereby adopts and incorporates all definitions found in Chapter 95 through 99, except to the extent the following additional terms are defined:

1. “CBOD” means Carbonaceous 5-Day Biochemical Oxygen Demand as measured by the test method set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.
2. “FOG” and “Oil Grease” mean Fats, Oil, and Grease as set forth in EPA Method 1664, Revision A (N-Hexane Extractable Material).
3. “IDNR” refers to the Iowa Department of Natural Resources.
4. “Industrial user” means an individual, partnership, business, corporation or entity who contributes wastewater in an amount or strength of which is greater than normal domestic sewage.
5. “NPDES” means National Pollutant Discharge Elimination System.
6. “Pass through” means the movement of an environmental pollutant that is not affected by the treatment technologies in place at the POTW which would cause the City to be in violation of its NPDES discharge permit.
7. “POTW” means publicly owned treatment works.
8. “TSS” means Total Suspended Solids as measured by the test method set forth on the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

**100.02 APPLICABILITY.** This chapter applies to any industrial user which discharges wastewater into the City’s sewer system under the compliance criteria of an IDNR NPDES permit or a City Wastewater Treatment Agreement (DNR Form 31).

**100.03 PUBLICATION OF USERS IN NONCOMPLIANCE.** The City Administrator may publish one time annually, in the largest local daily newspaper, the names of industrial users found by the City, in accordance with this chapter, to be in significant noncompliance. “Significant noncompliance” means:

1. Chronic violations of wastewater discharge limits, defined herein as those in which 66 percent or more of wastewater measurements obtained from representative samples collected at the permitted discharge point in accordance with accepted sampling protocols, during a six-month period, exceed, by an amount greater than the range of error of the measurement technique, the daily maximum limit for the same pollutant parameter;

2. Technical review criteria (TRC) violations, defined herein as those in which 33 percent or more of wastewater measurements obtained from representative samples collected at the permitted discharge point, in accordance with accepted sampling protocols, for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit multiplied by the applicable criteria (1.4 for CBOD, TSS, FOG, and 1.2 for all other pollutants other than pH);
3. Any other discharge violations that the City can document, based on recognized scientific methodology, which caused (alone or in combination with other discharges) major interference for the POTW or pass through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused endangerment to the public or to the environment and has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance, unless such noncompliance has been waived by the City or the City has interfered in the industrial user's ability to comply;
6. Failure to provide, within 60 days after the due date required by the City, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

#### **100.04 ADMINISTRATIVE ENFORCEMENT REMEDIES.**

1. Notices of Violation. If the City Administrator finds based on scientifically reliable data that any industrial user has violated or is violating a wastewater treatment agreement in a material way, the City Administrator may issue a notice of violation, and such notice shall be served in person on the managing officer of the industrial user or by certified mail on such person with return receipt received. The notice of violation must specify the parameters violated, the date and time of the violation, the data upon which the City relies in finding such violation, and the manner in which such data was collected.
2. Consent Agreements. The City Administrator may enter into consent agreements, consent orders, assurances of voluntary compliance, or other similar documents ("consent agreement") establishing an agreement with any industrial user responsible for any such noncompliance as to which notice is given in a notice of violation. Such agreements shall specify the actions to be taken by the industrial user and the time frame for completion of those actions outlined in the consent agreement. In the event a consent agreement is not entered into within 60 days of the service of notice of violation, the City Administrator may seek a compliance order in accordance with subsection 3.
3. Compliance Orders. In the event a consent agreement is not entered into, or the industrial user fails to comply with the terms of a consent agreement, the City Administrator may request the City Council to approve the issuance of a compliance order to the industrial user responsible for the discharge, directing that the industrial user submit a plan of action which will include a schedule for the industrial user to come into compliance. The industrial user shall be notified in writing of any such

request at least seven days prior to the Council's consideration of the request by personal service on the managing officer or by certified mail on such person with return receipt requested. The notice shall include the time, date, and location of the meeting at which the request will be considered, the proposed compliance order being requested and the basis therefor, including all data. The industrial user shall have the opportunity to present information and argument at such meeting. In the event a compliance order is issued in the form approved by the Council, and the industrial user does not submit an acceptable plan of action or come into compliance within the agreed upon schedule, the City Administrator may seek a cease and desist order pursuant to subsections 4 and 5, or request the issuance of a municipal infraction citation pursuant to subsection 6.

4. Cease and Desist Orders. The City Administrator may request that the City Council approve a cease and desist order per the criteria set forth in subsection 3 above, directing the industrial user to cease its failure to comply with a compliance order or desist unlawful discharging of industrial waste to the City's sewer system. Such order shall not be issued until such time as a show cause hearing has been held as set out below in subsection 5.

5. Show Cause Hearings. The City Administrator may order any industrial user that fails to comply with a compliance order to appear before the City Council and show cause why a cease and desist order should not be issued. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed order, the basis for such action including all data, and a request that the industrial user show cause why this proposed order should not be issued. Such written notice must be served personally at least fourteen (14) days prior to the hearing on the managing officer of the industrial user or by certified mail on such person with return receipt received. The industrial user shall have the opportunity to present information and argument at such hearing. Whether or not the industrial user appears as ordered, immediate enforcement action in the form of a cease and desist order may be issued by the City Council following the hearing date. The industrial user may also request a hearing before the City Council to show cause why a proposed cease and desist order should not be issued, and the City Council shall notify the City Administrator and industrial user of any such hearing in the manner set out in this section.

6. Municipal Infractions. In the event an industrial user fails to comply with the terms and conditions of a compliance order within the specified period of time, the City Administrator may request the City Council to authorize the issuance of a civil citation for a municipal infraction for an environmental violation. The industrial user shall be notified in writing of any such request at least 14 days prior to the Council consideration of the request, by personal service on its managing officer or by certified mail on such person with return receipt requested, and such notice shall include the time, date, and location of the meeting at which the request will be considered, the reasons for such action, the proposed action being requested and the basis therefor including supporting data. The industrial user shall have the opportunity to present information and argument at the meeting. In the event the City Council grants the request, which decision must be in writing, the City Administrator may issue the citation in accordance with Chapter 4 of this Code of Ordinances.

7. Administrative Penalty Charges. An industrial user contributing wastewater to the POTW in excess of the limitations contained within its wastewater discharge

agreement may be assessed a penalty charge, based on the schedule below, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

- A. \$0.50 per 1,000 gallons for flow in excess of a 30-day average discharge limit;
- B. \$0.50 per 1,000 gallons for flow in excess of a daily maximum discharge limit;
- C. \$0.10 per pound of CBOD in excess of a 30-day average discharge limit;
- D. \$0.10 per pound of CBOD in excess of a daily maximum discharge limit;
- E. \$0.10 per pound of TSS in excess of a 30-day average discharge limit
- F. \$0.10 per pound of TSS in excess of a daily maximum discharge limit
- G. \$25.00 per occurrence for oil and Grease discharged in excess of a daily maximum discharge limit based upon data from a compliance sampling event;
- H. \$100.00 per occurrence for discharges with a pH in violation of a discharge limit.

Unpaid penalty charges shall, after 60 calendar days, be assessed an additional penalty of 10 percent for the unpaid balance, and interest shall accrue thereafter at a rate of 1 percent per month, compounded monthly. Industrial users desiring to dispute such penalty charges must file written request with the City Administrator to reconsider the penalty charges along with full payment within thirty (30) days of being notified of the penalty charges. The City Administrator shall convene a hearing before the City Council on the matter within 30 days of receiving the request from the industrial user, with notice to be given in writing at least seven (7) days in advance of the hearing in the same manner as provided for in Section 100.04(1). The industrial user may present information and argument at such hearing. The City Council shall issue its decision on any such request within twenty (20) days of such hearing. In the event the industrial user's request results in a full or partial refund, the refund, together with any interest accruing thereto, shall be returned to the industrial user within ten (10) days of the City Council's decision. An industrial user which is denied, in whole or in part, the relief sought in any such request for reconsideration may seek further and additional relief through any and all other remedies available under applicable law. Issuance of an administrative penalty charge shall not be a prerequisite for the City taking any other action against the industrial user; however, if the City elects to impose administrative penalty charges, it cannot also cause a citation for municipal infraction to be issued for the same alleged violations of the industrial user's wastewater treatment agreement. All penalty charges collected under the guidelines of this chapter shall be directed to the operating budget of the City's wastewater treatment plant.

8. Emergency Service Suspensions.

- A. The City Administrator may immediately suspend an industrial user's sewer service at a particular discharge point (after notice to the industrial user's managing officer) when such a suspension: (i) is necessary in order to stop an actual or threatened discharge which, based on data collected in accordance with recognized scientific methodology, presents or causes an

imminent substantial endangerment to the health or welfare of the general public or to the environment; or (ii) when the discharge threatens to cause undue, substantial, irreversible damage to the equipment within the City's POTW or harm to its personnel.

B. Any industrial user notified of a suspension shall immediately stop or eliminate its contribution to the sewer system at that discharge point. In the event of an industrial user's failure to immediately comply with the suspension order, the City Administrator shall take such steps as deemed necessary including immediate severance of the designated sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals or the environment. The City Administrator shall allow the industrial user to recommence its discharge when industrial user has demonstrated to the City Administrator that the period of endangerment has passed. The City Administrator must accept or deny the request of the industrial user to recommence its discharge within forty-eight (48) hours of such a request. If the City Administrator refuses the industrial user's request to recommence discharge, a hearing must be held within 48 hours of that refusal before the City Council, with notice to be given immediately in the same manner as provided in Section 100.04(1), at which time the City Administrator must show cause why suspension must be continued and the industrial user shall have the opportunity to present information and argument. The City Council shall issue its decision on the request to lift the suspension at that hearing, stating the basis therefor. In the event the industrial user's request is granted, the City Administrator shall immediately allow the discharge to recommence. In the event the industrial user's request is denied, the industrial user may seek further and additional relief through any and all other remedies available under applicable law.

C. An industrial user that is responsible, in whole or in part, for any discharge which results in the emergency suspension of its sewer service at a particular discharge point shall submit to the City Administrator a detailed written statement describing the causes of the harmful condition and the measures taken to prevent any future occurrence prior to any show cause or termination hearing provided for under other sections of this chapter.

D. Nothing in this section shall be interpreted to require a hearing prior to any emergency suspension under this section.

9. Terminations of Industrial Waste Discharge. In addition to the circumstances upon which the City may suspend sewer service under Section 100.04(8), any industrial user which commits the violations set forth below may be subject to termination of its wastewater treatment agreement:

- A. Violation of a cease and desist order;
- B. Refusal of reasonable access to the industrial user's premises for the purpose of inspection, monitoring, or sampling;
- C. Falsifying self-monitoring reports; or
- D. Failure to pay fees, sewer user charges, or administrative penalty charges within sixty (60) days of written notice of same.

10. Procedures for Termination of Industrial Waste Discharge. The City may terminate an industrial user's wastewater treatment agreement pursuant to Section 100.04 (9) based on the following procedures:

A. The City shall issue a written notice to the industrial user a minimum of twenty (20) days prior to the date set for a hearing before the City Council. Such notice shall notify the industrial user of the time, date, and place of hearing, the purpose for the hearing, the proposed action, and the basis for such proposed action including the information upon which the City relies in proposing such action. Such written notice shall be served in the same manner as provided for in Section 100.04(1).

B. If after such hearing, the City Council makes a finding in writing based on substantial evidence that actions subject to the termination of industrial waste discharge under Section 100.04(9) have occurred as alleged and are not remedied as of the time of such hearing or to be remedied within a reasonable period thereafter, the City Council may direct the City Administrator to terminate the industrial user's wastewater treatment agreement subject to the requirements set forth below. The City Council shall set out its decision and the basis therefor in writing.

C. Written notice of the City Council's decision shall be served on the managing officer of the industrial user by registered mail, return receipt requested, or by personal service. If termination is ordered, the effective date of such termination can be no sooner than forty-five (45) days after the date of receipt of the notice by the industrial user. At any time, the industrial user may challenge that decision through any and all remedies available to it under applicable law.

D. In the event of termination of the industrial user's wastewater treatment agreement, the agreement shall be reinstated once the industrial user has provided information to the City Administrator that the user has remedied the circumstances which resulted in the City's decision to terminate. The City Administrator must accept or deny the request within 48 hours. If the City Administrator refuses to reinstate, a hearing must be held within 48 hours of that refusal before the City Council, at which time the City Administrator must show cause why termination must be continued. The procedures shall be in accordance with those set out in Section 100.04(8)(B) to the extent applicable.

**100.05 OTHER REMEDIES.** In addition to other remedies provided for in Chapter 99, including but not limited to in Section 99.10, an industrial user may be charged by the City for all or part of any administrative penalty or fine imposed on the City by a State or Federal agency for violations of the City's obligations, but only to the extent the City proves based on scientifically reliable data that the City's violation was caused by the industrial user's unlawful discharges. The remedies provided in Chapter 100 shall not be exclusive, and the City may pursue other remedies, as are authorized by applicable law, against any persons violating the provisions in this chapter, including injunctive relief.

**100.06 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.** In addition to any and all other defenses that an industrial user may have to any action undertaken pursuant to this chapter or Chapter 4, an industrial user may assert the following affirmative defenses.

Proof of any such affirmative defense shall be a bar against any and all action by the City pursuant to this chapter or Chapter 4.

1. Upset. For the purpose of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with discharge limits because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, lack of preventative maintenance, or careless or improper operation. An upset shall constitute an affirmative defense if the following requirements are met:

A. An upset occurred and the industrial user has reasonably identified the causes of the upset;

B. The industrial user’s facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

C. The industrial user submitted the following information to the City Administrator as soon as possible following the upset:

(1) A description of the upset and reasonable cause of noncompliance;

(2) The period of noncompliance, including dates and times;

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2. Prohibited Discharge Standards. An industrial user shall have an affirmative defense to any action brought against it pursuant to this chapter or Chapter 4 if it can prove that it did not know or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause major interference with the City’s POTW.

3. Bypass. For the purpose of this section, “bypass” means the intentional diversion of waste streams from any portion of an industrial user’s treatment system; and “severe property damage” means substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of the bypass. Bypass is an affirmative defense to actions under this chapter and Chapter 4 only in the following limited circumstances:

A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B. There were no feasible alternatives to bypass; and

C. Catastrophic failure of primary equipment and backup systems occurred due to unforeseen causes or natural disasters; or

D. Upon prior written notice to the Superintendent, bypass occurs for the purpose of essential maintenance to assure efficient operation of treatment equipment.

[The next page is 521]

## CHAPTER 101

# STORM WATER DRAINAGE SYSTEM

### 101.01 Purpose

### 101.02 Storm Water Drainage System

### 101.03 Rates

### 101.04 Payment of Rates

### 101.05 Lien for Nonpayment

**101.01 PURPOSE.** The purpose of this chapter is to establish a storm water drainage system district and provide a means of funding the operation and maintenance of storm water management facilities including, but not limited to, retainage basins, detention basins, storm sewers, inlets, ditches, drains, and drainage facilities.

**101.02 STORM WATER DRAINAGE SYSTEM.** The entire City is hereby declared a storm water drainage system district for the purpose of establishing, imposing, adjusting, and providing for the collection of rates for the operation and maintenance of storm water management facilities. As additional areas are annexed to the City they shall immediately be included in the storm water drainage system district.

**101.03 RATES.** The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on every City water meter, non-metered buildings and paved surface lots based on a two (2) rate system for storm water drainage fees. A rate shall be established for residential users per month per water meter and a separate rate shall be established for all non-residential users. The monthly rate for the storm water fee shall be established by resolution by the City Council annually, or from time to time as determined by City Council. A monthly rate shall be collected on every residence, apartment, and dwelling unit in mobile home parks, business, commercial and industrial City water meter, non-metered buildings and paved surfaced lots. The rates shall be billed and collected in the same manner as water and/or sewer service rates. The Council shall have the authority to establish different monthly rates for different classifications of City water meters, non-metered buildings and paved surfaced lots. *(Ord. 886 – Aug. 11 Supp.)*

**101.04 PAYMENT OF RATES.** The monthly rates are due and payable under the same terms and conditions as water and/or sewer service charges.

**101.05 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.