

TITLE III – PUBLIC SERVICES

TABLE OF CONTENTS

WATER SERVICE SYSTEM

CHAPTER 90 - WATER SERVICE SYSTEM – GENERAL PROVISIONS.....531
CHAPTER 91 - WATER METERS.....537
CHAPTER 92 - WATER RATES539

SANITARY SEWERS

CHAPTER 95 - SANITARY SEWER SYSTEM – GENERAL PROVISIONS561
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS565
CHAPTER 97 - USE OF PUBLIC SEWERS.....571
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS.....575
CHAPTER 99 - SEWER SERVICE CHARGES577

SOLID WASTE CONTROL

CHAPTER 105 - SOLID WASTE CONTROL – GENERAL PROVISIONS.....595
CHAPTER 106 - COLLECTION OF SOLID WASTE.....609

STORM WATER UTILITY

CHAPTER 110 - STORM WATER UTILITY621

**TITLE III – PUBLIC SERVICES
WATER SERVICE SYSTEM**

CHAPTER 90

WATER SERVICE SYSTEM – GENERAL PROVISIONS

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Maintenance Supervisor’s Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	90.20 Water Services Only for Sprinkler Systems

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. “Combined service account” means a customer service account for the provision of two or more utility services.
2. “Customer” means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. “Maintenance Supervisor” means the primary supervisor of the maintenance department or any duly authorized assistant, agent or representative.
4. “Water main” means a water supply pipe provided for public or community use.
5. “Water service pipe” means the pipe from the water main to the building served.
6. “Water system” or “water works” means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 MAINTENANCE SUPERVISOR’S DUTIES. The Maintenance Supervisor shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City except for those responsibilities delegated to another officer of the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Maintenance Supervisor shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Maintenance Supervisor may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight. Reconnection to the abandoned tap shall not be allowed once a water service has been abandoned.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the Maintenance Supervisor. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Maintenance Supervisor. The Maintenance Supervisor shall sign and issue the permit and state the time of issuance if the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must be completed within thirty (30) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The Maintenance Supervisor may at any time revoke the permit for any violation of this chapter and require that the work be stopped.

90.06 CONNECTION CHARGE. The person making said request for connection shall be required to pay a connection charge to the City as may be established by the Metropolitan Utilities District, plus each residential dwelling and commercial or industrial building shall pay an additional two hundred fifty dollars (\$250.00) for a City connection fee plus the cost of the water meter.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions of the *State Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 175 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Maintenance Supervisor and in accord with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Building Inspector and the Maintenance Supervisor and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six (6) inches or less in diameter shall receive no larger than a ¾-inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Maintenance Supervisor shall order. All taps in the mains shall be made in the top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.
3. **Corporation Stop.** A brass corporation stop, of the pattern and weight approved by the Maintenance Supervisor, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Maintenance Supervisor in such form as the Maintenance Supervisor shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight Type K copper. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served 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 or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof, plus an administrative fee, to the property.

(Code of Iowa, Sec. 364.12[3a & h])

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Maintenance Supervisor. The shut-off valve shall be constructed to be visible and even with the pavement or ground. Shut-off valves that extend more than one-half inch above the pavement or ground shall be determined to be a tripping hazard and will be repaired by the City, and the City shall assess the cost of the repair, plus the administrative fee, to the property.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Maintenance Supervisor before they are covered, and the Maintenance Supervisor shall keep a record of such approvals. If the Maintenance Supervisor refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Maintenance Supervisor or Building Inspector or their designated representative to enter the premises to inspect or make

necessary alterations or repairs at all reasonable hours and on proof of authority. The City may assess the cost thereof, plus an administrative fee, to the property.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Maintenance Supervisor shall have the right to finish or correct the work, and the Council shall assess the costs, plus an administrative fee, to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 SHUTTING OFF WATER SUPPLY. The Maintenance Supervisor or a designated representative may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters which is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Maintenance Supervisor or the designated representative has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except authorized City officials or their designated representative to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 WATER SERVICES ONLY FOR SPRINKLER SYSTEMS. A property owner that has a water service for a sprinkler system only, and which is separately metered, is required to temporarily discontinue and shut off at the curb valve, on or before November 1 of each year, and have the meter read at that time. There shall be a \$20.00 fee charged for restoring service. During a period when service is temporarily discontinued as provided herein, there shall be no minimum service charge. However, if a customer fails to have the service temporarily disconnected, it will not relieve the customer from the minimum service charges.

[The next page is 537]

**TITLE III – PUBLIC SERVICES
WATER SERVICE SYSTEM**

CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems – Exception
91.04 Location of Meters

91.05 Meter Setting
91.06 Meter Repairs
91.07 Right of Entry
91.08 Remote Readers

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters purchased from the City and installed by the City or its agent.

91.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Maintenance Supervisor or Building Inspector. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Maintenance Supervisor and shall be of a design and construction approved by the Maintenance Supervisor.

91.06 METER REPAIRS. Whenever a water meter is found to be out of order, the Maintenance Supervisor or a designated agent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, then the property owner shall be liable for the cost of repairs. Effective July 1, 2007, the City shall pay for the cost to repair and replace any meter and/or remote reading device that has not been damaged due to the carelessness or negligence of the customer or property owner.

91.07 RIGHT OF ENTRY. The Maintenance Supervisor or designated agent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.08 REMOTE READERS. Each location, building, premises, or connection made hereunder, or continuation thereof, shall necessitate each customer to install a special meter to allow for remote reading of usage. Effective July 1, 2007, the cost of the initial meter and any installation thereof for new construction shall be borne by the customer. The City shall

designate the appropriate equipment to be used and shall designate the appropriate contractor for installation. Any other equipment used by a customer or installed by an organization or person other than that designated by the City shall be considered a violation of this section.

**TITLE III – PUBLIC SERVICES
WATER SERVICE SYSTEM**

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Lien for Nonpayment

92.06 Lien Exemption
92.07 Lien Notice
92.08 Customer Deposits
92.09 Temporary Vacancy

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises, or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

1. Monthly Rate. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

<i>November 1, 2012 – June 30, 2013</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 13.92 (minimum bill)
Next 48 units	\$ 1.59
Next 450 units	\$ 1.50
Next 1,000 units	\$ 1.08
Excess of 1,500 units	\$ 1.15

<i>July 1, 2013 – June 30, 2014</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 18.10 (minimum bill)
Next 48 units	\$ 2.06
Next 450 units	\$ 1.96
Next 1,000 units	\$ 1.40
Excess of 1,500 units	\$ 1.49
<i>One unit of water = 100 cubic feet</i>	

<i>July 1, 2014 – June 30, 2015</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 18.74 (minimum bill)
Next 48 units	\$ 2.14
Next 450 units	\$ 2.02
Next 1,000 units	\$ 1.45
Excess of 1,500 units	\$ 1.54

<i>July 1, 2015 – June 30, 2016</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 19.30 (minimum bill)
Next 48 units	\$ 2.20
Next 450 units	\$ 2.08
Next 1,000 units	\$ 1.49
Excess of 1,500 units	\$ 1.59

<i>July 1, 2016 – June 30, 2017</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 19.88 (minimum bill)
Next 48 units	\$ 2.27
Next 450 units	\$ 2.15
Next 1,000 units	\$ 1.54
Excess of 1,500 units	\$ 1.63

<i>July 1, 2017 and after</i>	
Number of Units	Cost Per Unit
1 to 2 units	\$ 20.67 (minimum bill)
Next 48 units	\$ 2.36
Next 450 units	\$ 2.23
Next 1,000 units	\$ 1.60
Excess of 1,500 units	\$ 1.70
<i>One unit of water = 100 cubic feet</i>	

2. Large Users of Water. Large users of water are identified as users consuming 2,501 units or more per month. The special rate for larger users includes a monthly minimum bill and a per-unit cost thereafter.

<i>November 1, 2012 – June 30, 2013</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 597.91 (minimum bill)
Per-unit cost over 2,500	\$.98

<i>July 1, 2013 – June 30, 2014</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 777.29 (minimum bill)
Per-unit cost over 2,500	\$ 1.27

<i>July 1, 2014 – June 30, 2015</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 804.49 (minimum bill)
Per-unit cost over 2,500	\$ 1.32

<i>July 1, 2015 – June 30, 2016</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 828.63 (minimum bill)
Per-unit cost over 2,500	\$ 1.36

<i>July 1, 2016 – June 30, 2017</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 853.48 (minimum bill)
Per-unit cost over 2,500	\$ 1.40

<i>July 1, 2017 and after</i> <i>Monthly Bill</i>	
First 2,500 units per month	\$ 887.62 (minimum bill)
Per-unit cost over 2,500	\$ 1.45

3. Administrative Fee. The City contracts for the reading of the utilities and other necessary related billing and collection services. Pursuant to a written public contract entered into between the City and the contractor, the cost of this administrative service is passed along to each customer. Each charge for each service rendered shall be clearly listed and disclosed to each utility customer. The payment of these fees is an integral part of the water service provided by the City to its residents. Customers shall receive at least 30 days’ notice of any increase in administrative charges necessitated by contracts entered into by the City. The amount of the

administrative fee charged to each customer is \$4.00 per month from and after November 1, 2012.

92.03 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The City shall designate an agent to prepare, date, and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bills.
2. Bills Payable. Bills for combined service accounts shall be due and payable within twenty (20) days of the date of issue.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of nine percent (9%) of the amount due shall be added to each delinquent bill.
4. Delinquent Fee. A delinquent fee of \$3.00 will be assessed to any bill not paid by the 10th of the month. This fee will be assessed to cover the cost of preparing and mailing the delinquent notice post cards.
5. Shut-Off Notice Fee. A \$7.00 fee will be assessed to any account where payment is not made in a timely manner and the billing agent must deliver a shut-off notice to the property. This fee will be assessed to cover the cost of preparing, delivering and posting the shut-off fees.
6. Service Termination; Restoration Fee. A \$30.00 fee will be assessed to any account where service is shut off for lack of payment. This fee will be assessed to compensate for the cost of discontinuing and restoring water service.

92.04 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City's designated billing agent shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. If the Clerk finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of thirty dollars (\$30.00) shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.05 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water 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)

92.06 LIEN EXEMPTION. The lien for nonpayment shall not apply to a residential rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. In addition, a lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, solid waste disposal, and administrative fees paid to the City where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

(Code of Iowa, Sec. 384.84)

92.07 LIEN NOTICE. A lien for delinquent 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 in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises 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.

(Code of Iowa, Sec. 384.84)

92.08 CUSTOMER DEPOSITS. There shall be required from every customer or prospective customer a \$150.00 deposit intended to guarantee the payment of bills for service. After a period of two years from the initial deposit, if the payments are current and timely, the deposit shall be refunded. If water service has been discontinued for any customer by reason of the failure to pay a bill, there shall be required a deposit of \$150.00 plus the charge to reconnect the water before water service is restored.

(Code of Iowa, Sec. 384.84)

92.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$30.00 fee collected for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

[The next page is 561]

**TITLE III – PUBLIC SERVICES
SANITARY SEWERS**

CHAPTER 95

SANITARY SEWER SYSTEM – GENERAL PROVISIONS

95.01 Purpose

95.02 Definitions

95.03 Maintenance Supervisor

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. “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. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. “Maintenance Supervisor” means the primary supervisor of the maintenance department or any duly authorized assistant, agent or representative.
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 four or fewer dwelling units or other facilities 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 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. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 MAINTENANCE SUPERVISOR. The Maintenance Supervisor shall exercise the following powers and duties:

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

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

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

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

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Maintenance Supervisor.

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 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 Maintenance Supervisor and other duly authorized employees of the City or its agents 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 Maintenance Supervisor 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 Maintenance Supervisor and other duly authorized employees of the City or its agents 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.
4. Municipal Infraction. Any person violating subsections 1, 3 or 4 of Section 95.04 shall be guilty of a civil municipal infraction.

**TITLE III – PUBLIC SERVICES
SANITARY SEWERS**

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

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

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

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 Building Inspector. 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 thirty (30) 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 CONNECTION CHARGE. All applications for connection to the public sewer system shall be accompanied by a connection charge in accordance with the following:

1. Residential Premises – \$600.00.
2. Commercial and Industrial Premises – \$1,750.00, with consideration given to additional fees charged per acre if the development is anticipated to have higher than average sewer usage. Additional fees will be determined by the Planning Board and approved by the Council.

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 *State Plumbing Code* and the provisions of Chapter 175 of this Code of Ordinances.

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

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the Maintenance Supervisor, to meet all requirements of this chapter.
2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Maintenance Supervisor before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
 - A. Recommended grade at one-fourth ($\frac{1}{4}$) inch per foot.
 - B. Minimum grade of one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity of 2.50 feet per second with the sewer half full.
 - D. Any deviation in alignment or grade shall be made only with the written approval of the Maintenance Supervisor and shall be made only with approved fittings.
7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.
8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:
 - A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
 - B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
 - C. Ductile iron water pipe – A.W.W.A. C-151.
 - D. P.V.C. – SDR26 – A.S.T.M. D-3034.

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.
11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Maintenance Supervisor. Solvent-welded joints are not permitted.
12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Maintenance Supervisor. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

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

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Building Inspector or the Maintenance Supervisor, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 BACKWATER VALVES REQUIRED. Any repairs on any drainage piping as described in this section or any new construction of drainage piping as described in this section or any property which has had any prior backup or flooding in the sewer system, and all dwellings which are remodeled and all new dwellings shall comply with the provisions of this section.

1. Drainage Below Curb and Main Sewer Level. Drainage piping serving fixtures, the flood level rims of which are located below the elevation of the curb or

property line, at the point where the building sewer crosses under the curb or property line, and above the crown level of the main sewer, shall drain by gravity into the main sewer and shall be protected from back flow of sewage by installing an approved type of backwater valve, and each such backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures located below the elevation of the curb or property line.

- A. Drainage piping serving fixtures that are located below the crown level of the main sewer shall discharge into an approved watertight sump or receiving tank, so located as to receive the sewage or waste by gravity. From such sump or receiving tank, the sewage or other liquid wastes shall be lifted and discharged into the building drain or building sewer by approved ejectors, pumps or other equally efficient approved mechanical devices.
 - B. The minimum size of any pump or any discharge pipe from a sump having a water closet connected thereto shall be not less than two inches.
 - C. The discharge line from such ejector, pump or other mechanical device shall be provided with an accessible backwater or swing check valve and gate valve and if the gravity drainage line to which such discharge line connects is horizontal, the method of connection shall be from the top through a lateral wye branch fitting.
 - D. Building drains or building sewers receiving discharge from any pump or ejector shall be adequately sized to prevent overloading. Two fixture units shall be allowed for each gallon per minute of continuous flow.
 - E. Gate valves, motors, compressors, air tanks or other mechanical devices required by this section shall be located where they will be readily and easily accessible for inspection and repair at all times, and unless continuously exposed, shall be enclosed in a watertight masonry pit fitted with an adequately sized removable cover.
2. Construction Standards. Backwater valves shall have cast iron or brass bodies, non-corrosive bearings, seats and self aligning discs, and shall be so constructed as to insure a positive mechanical seal and to remain closed, except when discharging wastes. Such valves shall remain sufficiently open during periods of low flows to avoid screening of solids and shall not restrict capacities or cause excessive turbulence during peak loads. Valve access covers shall be bolted type with gasket and each valve shall bear the manufacturer's name case into body and cover.

96.08 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 Maintenance Supervisor. 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 Maintenance Supervisor and in accordance with the Maintenance Supervisor's direction if such connection is approved.

96.09 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Maintenance Supervisor. As soon as all pipe work from the public sewer to inside the building has been completed, and

before any backfilling is done, the Maintenance Supervisor shall be notified and the Maintenance Supervisor shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Building Inspector refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.10 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.

96.11 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, plus an administrative fee, 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])

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**TITLE III – PUBLIC SERVICES
SANITARY SEWERS**

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 storm sewers, or to a natural outlet approved by the Maintenance Supervisor. Industrial cooling water or unpolluted process waters may be discharged on approval of the Maintenance Supervisor, to a storm 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 Maintenance Supervisor 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. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Maintenance Supervisor. Where necessary in the opinion of the Maintenance Supervisor, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 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 Maintenance Supervisor 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 Maintenance Supervisor 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 Maintenance Supervisor 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 (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 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 32° F and 150° F (0° to 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 (½) 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 City of Omaha Standards for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Maintenance Supervisor 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 Maintenance Supervisor in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES – POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Maintenance Supervisor, at the direction and guidance of the City of Omaha, 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 Maintenance Supervisor 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 Maintenance Supervisor 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 Maintenance Supervisor and the City of Omaha, 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 Maintenance Supervisor, 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 Maintenance Supervisor. 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).

**TITLE III – PUBLIC SERVICES
SANITARY SEWERS**

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 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.

**TITLE III – PUBLIC SERVICES
SANITARY SEWERS**

CHAPTER 99

SEWER SERVICE CHARGES

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

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

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

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system as follows:

1. Residential property owners shall be charged a flat fee per month in accordance with the following:

November 1, 2012 – June 30, 2013	\$27.58
July 1, 2013 – June 30, 2014	\$34.75
July 1, 2014 – June 30, 2015	\$36.49
July 1, 2015 – June 30, 2016	\$38.68
July 1, 2016 – June 30, 2017	\$40.61
July 1, 2017 and after	\$42.24

2. Multi-dwelling, commercial, and industrial property owners shall pay a monthly charge based upon the amount of water consumed as follows:

<i>November 1, 2012 – June 30, 2013</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 32.51 (Minimum Bill)
Next 47 Units	\$ 1.55 per unit
Next 450 Units	\$ 1.53 per unit
500 Units and Over	\$ 1.30 per unit

<i>July 1, 2013 – June 30, 2014</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 40.96 (Minimum Bill)
Next 47 Units	\$ 1.96 per unit
Next 450 Units	\$ 1.92 per unit
500 Units and Over	\$ 1.63 per unit

<i>July 1, 2014 – June 30, 2015</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 43.01 (Minimum Bill)
Next 47 Units	\$ 2.05 per unit
Next 450 Units	\$ 2.02 per unit
500 Units and Over	\$ 1.71per unit

<i>July 1, 2015 – June 30, 2016</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 45.59 (Minimum Bill)
Next 47 Units	\$ 2.18 per unit
Next 450 Units	\$ 2.14 per unit
500 Units and Over	\$ 1.82 per unit

<i>July 1, 2016 – June 30, 2017</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 47.87 (Minimum Bill)
Next 47 Units	\$ 2.29 per unit
Next 450 Units	\$ 2.25 per unit
500 Units and Over	\$ 1.91 per unit

<i>July 1, 2017 and after</i>	
Number of Units	Monthly Charge
First 3 Units	\$ 49.78 (Minimum Bill)
Next 47 Units	\$ 2.38 per unit
Next 450 Units	\$ 2.34 per unit
500 Units and Over	\$ 1.98 per unit

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

(Code of Iowa, Sec. 384.84)

99.04 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.05 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

99.06 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 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)

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

[The next page is 595]

**TITLE III – PUBLIC SERVICES
SOLID WASTE CONTROL**

CHAPTER 105

SOLID WASTE CONTROL – GENERAL PROVISIONS

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Littering Prohibited

105.07 Open Dumping Prohibited
105.08 Separation of Yard Waste Required
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 567-20.2[455B])
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including eight (8) separate dwelling units.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 15

days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 55 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

3. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

4. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

5. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

6. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

7. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.07 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. “Rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.08 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in acceptable containers and set out for collection. Yard waste bundles shall not exceed 4 feet in length, 2 feet in diameter, 50 pounds in weight, or as otherwise specified in current contract. Yard waste shall be collected from residential premises once each week from April 1 to November 30. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be leakproof

and waterproof. Disposable containers shall not exceed 35 gallons or weigh more than 30 pounds and shall be securely fastened. Reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall not exceed 35 gallons or weigh more than 50 pounds and shall have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored, except on collection days, on the property of the primary residence of the property owner and out of view from the public street. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served by 6:00 a.m. on the regularly scheduled collection days. However, no containers shall be placed at the curb side for collection earlier than 6:00 p.m. on the night before the regularly scheduled collection day and no container shall remain at the curb side later than 10:00 p.m. on the day of collection.

4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector, a member of a law enforcement agency or other authorized personnel.

[The next page is 609]

**TITLE III – PUBLIC SERVICES
SOLID WASTE CONTROL**

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish
106.06 Right of Entry

106.07 Collector's Permit
106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Curbside Recycling Program
106.11 Hours of Collection

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste and recyclable materials, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable, and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary.

106.05 BULKY RUBBISH. Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 COLLECTOR'S PERMIT. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person

within the City without first obtaining from the City an annual permit in accordance with the following:

1. Application. Application for a solid waste collector's permit shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
 - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury:	– \$100,000 per person.
	– \$300,000 per occurrence.
Property Damage:	– \$ 50,000.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. Permit Fee. A permit fee in the amount of one hundred dollars (\$100.00) shall accompany the application. In the event the requested permit is not granted, the fee paid shall be refunded to the applicant.
4. Permit Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested permit shall be issued to be effective for a period of one year from the date approved.
5. Permit Renewal. An annual permit may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.
6. Permit Not Transferable. No permit authorized by this chapter may be transferred to another person.
7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. Grading or Excavation Excepted. No permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Residential. The monthly fee for solid waste collection and disposal service, used or available, for each residential premises, shall be:

November 1, 2012 – June 30, 2013	\$5.50
July 1, 2013 – June 30, 2014	\$6.00
July 1, 2014 – June 30, 2015	\$6.50
July 1, 2015 – June 30, 2016	\$7.00
July 1, 2016 – June 30, 2017	\$7.50
July 1, 2017 and after	\$8.00

2. Special Fees. A special fee of \$4.00 per month shall be charged by the City and collected from each family unit or owner of a residential premises served by refuse collection service who:

A. Has filed a claim for tax reimbursement and has established eligibility as such a claimant under the provisions of Chapter 251 of the *Code of Iowa*, Tax Relief for the Elderly and Disabled, with reference to such residential premises, and whose combined income of the family unit does not exceed \$13,500.00, or has established eligibility under Title 19 for State Medical Assistance and is classified as “A” Aged, “B” Blind, or “D” Disabled, and the combined income of the family unit does not exceed \$13,500.00;

B. Has waived any right to confidentiality relating to all income tax information obtainable through the State Department of Revenue;

C. Has filed an application with the City reciting such facts and asking for the benefits of this provision subject to verification by the State Department of Revenue; and

D. Has received notification by the City that such application has been approved by the City or its designee.

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees 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)

106.10 CURBSIDE RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector.

106.11 HOURS OF COLLECTION. All collection of solid waste shall be conducted in accordance with and subject to the provisions of this chapter and shall be performed between the hours of 6:00 a.m. and 10:00 p.m.

[The next page is 621]

**TITLE III – PUBLIC SERVICES
STORM WATER UTILITY**

CHAPTER 110

STORM WATER UTILITY

110.01 Purpose and Objective	110.11 Requirements for On-Site Storm Water Systems, Enforcement and Inspections
110.02 Creation of a Storm Water Management and Drainage Systems Utility	110.12 Right to Appeal
110.03 Definitions	110.13 Billing and Collection
110.04 Effective Date of Storm Water Service Charges	110.14 Termination of Utility Services and Assessment of Unpaid Charges
110.05 Storm Water Utility Fund	110.15 Lien for Nonpayment
110.06 Storm Water Utility Budget	110.16 Lien Notice
110.07 Rate Structure and Storm Water Service Charge	110.17 Exemptions and Credits Applicable to Storm Water Service Charges
110.08 Powers of Director of the Storm Water Utility	
110.09 Powers and Duties of the City	
110.10 Responsibility for the Storm Water Management and Drainage System	

110.01 PURPOSE AND OBJECTIVE.

1. The purpose of this chapter is to establish a policy and procedure for managing and controlling the quantity and quality of storm water runoff, within the City limits. The management shall include the establishment of a storm water utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.
2. The City finds, determines, and declares that the storm water drainage system provides benefits and services to all property within the City limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment, and release of storm water for quality and quantity management that minimize impacts on receiving waters.
3. In order to manage additions and improvements to the City storm water systems, the City must have adequate and stable funding for its storm water management program operating and capital investment needs.

110.02 CREATION OF A STORM WATER MANAGEMENT AND DRAINAGE SYSTEMS UTILITY.

1. The function of the Storm Water Management and Drainage Systems Utility (hereinafter referred to as “storm water utility”) within the Maintenance Department is to provide for the safe and efficient capture of storm water runoff, mitigate the damaging effects of storm water runoff, correction of storm water problems, to fund activities of storm water management, and includes design, planning, regulations, education, coordination, construction, operations, maintenance, inspection, and enforcement activities.
2. There is hereby established a storm water utility within the City which shall be responsible for creating revenue for storm water management throughout the City’s corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of storm water systems and facilities. Such utility shall be

under the operational direction of the Maintenance Supervisor. The corporate limits of the City shall constitute the boundaries of the storm water utility district.

3. The City shall establish a Storm Water Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

110.03 DEFINITIONS.

1. “Adjustment” means a modification in a nonresidential customer’s storm water service fee for certain activities that impact storm water runoff or impact the City’s costs of providing storm water management.

2. “Detached dwelling unit” means developed land containing one structure that is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.

3. “Director” means the director of the Storm Water Utility.

4. “Equivalent Residential Unit” (ERU) means the average area of a detached dwelling unit property within the City, and shall be used as the basis for determining storm water service charges to detached dwelling unit properties. One ERU is equivalent to 12,750 square feet.

5. “ERU rate” means the dollar value periodically determined and assigned to each ERU as a charge for storm water management services, expressed as \$4.00 per ERU.

6. “Exempt property” includes public streets, alleys, and sidewalks.

7. “Ground water” means sub-surface water or water stored in pores, cracks, and crevices in the ground below the water table.

8. “Impervious area” means the number of square feet of hard-surfaced areas which either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property. This includes but is not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.

9. “Nonresidential properties” means all properties not encompassed by the definition of residential property. Nonresidential properties include: apartment building properties; condominium properties; mobile home parks; commercial property; industrial property; institutional property; governmental property; churches; hospitals; schools; transient rentals; parking lots; Federal, State and local properties; and any other property not mentioned in the lists of properties.

10. “Occupant” means the person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

11. “Owner” means the legal owner(s) of record as shown on the tax rolls of Carter Lake, Iowa, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.
12. “Residential property” means all single-family and duplex properties within the City.
13. “Service charges” means the periodic rate, fee, or charge applicable to a parcel of land, which charge shall be reflective of the service provided by the Carter Lake storm water utility.
14. “Storm sewer” means a sewer that carries storm water, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.
15. “Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.
16. “Storm water drainage system” means all manmade facilities, structures, and natural watercourses owned by the City, used for collection and conducting storm water to, through, and from drainage areas to the points of final outlet, including (but not limited to) any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.
17. “Storm water facilities” means various storm water and drainage works, which may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.
18. “Storm water management” means the tasks required to control storm water runoff using storm water management systems, to protect the health, safety, and welfare of the public, and comply with relevant State and Federal regulations.
19. “Storm water management systems” address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of storm water or surface water drainage.
20. “Storm water utility” means the utility established under this chapter for the purpose of managing storm water and imposing charges for the recovery of costs connected with such storm water management.
21. “Surface water” means water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.
22. “Undeveloped property” describes 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 natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.
23. “User” means the owner and/or occupant of any property within the limits of the City, and means any person who uses property that maintains connection to,

discharges to, or otherwise receives services from the City for storm water management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

24. “Water course” means a natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

110.04 EFFECTIVE DATE OF STORM WATER SERVICE CHARGES. Storm water service charges shall accrue beginning November 1, 2012, and shall be billed monthly thereafter to all customers.

110.05 STORM WATER UTILITY FUND.

1. Funding for the storm water utility’s activities may include, but are not limited to: storm water service charges; storm water permits and inspection fees; other funds or income obtained from Federal, State, local, and private grants, or loans.
2. All service charges and all sources of revenue generated by or on behalf of the storm water utility shall be deposited in a storm water utility fund and used exclusively for management of the storm water utility.

110.06 STORM WATER UTILITY BUDGET. The City shall adopt an operating and capital budget for the storm water utility each fiscal year. The budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement, and debt service. No revenues generated by the storm water utility user fee shall be used for any purpose other than storm water expenses.

110.07 RATE STRUCTURE AND STORM WATER SERVICE CHARGE. Any property, lot, parcel of land, building, or premises that is tributary directly or indirectly to the storm water system of the City, shall be subject to a charge based upon the square footage of the property situated within the City. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties within the City will be assigned an equivalent residential unit (ERU) or a multiple thereof, with all properties receiving at least one ERU, which shall be considered the base or minimum rate for storm water utility charge.

1. For the purpose of this chapter, an ERU is equivalent to 12,750 square feet or less in area.
2. Determination of Storm Water Utility Fee.
 - A. The storm water utility fee for residential areas shall be 100% of the ERU rate. Effective November 1, 2012, the rate shall be based on the following schedule:

Residential properties of 12,750 square feet or less	Base rate (1 ERU) \$4.00 per month
Residential properties in excess of 12,750 square feet	Base rate (1 ERU) \$4.00 per month plus \$.0002 multiplied by the number of square feet in excess of 12,750 square feet

The maximum residential bill per month will be \$25.00. Changes to the monthly rate shall be determined by ordinance.

B. The storm water utility fee for commercial properties shall be:

Commercial properties of 219,391 square feet or less	Base rate \$6.00 per month
Commercial properties in excess of 219,391 square feet	Base rate \$6.00 per month plus \$.0004 multiplied by the number of square feet in excess of 219,391 square feet

The maximum commercial bill per month will be \$50.00. Changes to the monthly rate shall be determined by ordinance. The number of square feet on each property shall be determined by the storm water utility.

C. The storm water utility fee for industrial properties shall be:

Industrial properties of 336,926 square feet or less	Base rate \$6.00 per month
Industrial properties in excess of 336,926 square feet	Base rate \$6.00 per month plus \$.0004 multiplied by the number of square feet in excess of 336,926 square feet

The maximum industrial bill per month will be \$50.00. Changes to the monthly rate shall be determined by ordinance. The number of square feet on each property shall be determined by the storm water utility.

D. The storm water utility fee for government, church and non-profit properties shall be a rate equivalent to commercial and industrial properties:

Government, church, and non-profit properties of 219,391 square feet or less	Base rate \$6.00 per month
Commercial and industrial properties in excess of 219,391 square feet	Base rate \$6.00 per month plus \$.0004 multiplied by the number of square feet in excess of 219,391 square feet

The maximum government, church, and non-profit bill per month will be \$50.00. If a government, church, or non-profit owns multiple adjoining properties, the owner will be charged one fee at the commercial and industrial rate per month for all of the adjoining properties. Changes to the monthly rate shall be determined by ordinance.

E. Effective November 1, 2012, the storm water utility fee for mobile home community property shall be charged a per residence fee of \$4.00 per month based on the average number of mobile homes in the community.

110.08 POWERS OF DIRECTOR OF THE STORM WATER UTILITY. Storm water service charges incurred pursuant to this chapter may be collected by the City Clerk or designee, who is also responsible for the regulation, collection, rebating and refunding of such storm water charges. The storm water utility service charge may be billed on a common statement and collected along with other City utility services, usually on a monthly basis. Any property that is currently not developed and does not receive a water and/or sewer utility bill will be billed on a quarterly basis for the prior three months' storm water utility fee.

110.09 POWERS AND DUTIES OF THE CITY. The City shall have the following powers, duties, and responsibilities with respect to the storm water utility:

1. Administer the design, construction, maintenance, and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.
2. Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention that will support a storm water management system.
3. The City shall separately account for the storm water utility finances. The storm water utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for storm water utility expenses in subsequent years. Storm water utility fees collected shall be deposited in the storm water utility fund and shall be used for no other purpose.

110.10 RESPONSIBILITY FOR THE STORM WATER MANAGEMENT AND DRAINAGE SYSTEM.

1. The City storm water management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the political boundaries of the City which control and/or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance, and improvements to those segments of this system which:
 - A. Are located within public streets, rights-of-way, and easements;
 - B. Are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or
 - C. Are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of storm water systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.
2. It is the intent of this chapter to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without

the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

110.11 REQUIREMENTS FOR ON-SITE STORM WATER SYSTEMS, ENFORCEMENT AND INSPECTIONS.

1. All property owners and developers of developed real property within the City shall provide, manage, maintain, and operate on-site storm water systems sufficient to collect, convey, detain, and discharge storm water in a safe manner consistent with all City, State, and Federal laws and regulations.
2. Pursuant Section 364.12(3) or successor section of the *Code of Iowa*, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

110.12 RIGHT TO APPEAL. 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 Maintenance Supervisor. 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 Maintenance Supervisor shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days.
3. In response to an appeal, the Maintenance Supervisor 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 Maintenance Supervisor which is adverse to an appellant may be further appealed to the City Council within 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 Council shall schedule a public hearing within 30 days. All decisions of the Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
5. All decisions of the Council shall be final.

110.13 BILLING AND COLLECTION.

1. The storm water utility service charge may be billed on a common statement and collected along with other City utility services, usually on a monthly basis. Any property that is currently not developed and does not receive a water and/or sewer utility bill will be billed on a quarterly basis for the prior three months' storm water utility fee.
2. A storm water service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, liability for payment of the storm water management charge attributable to that property shall be joint and several as to the owner and occupant.
3. All comprehensive storm water service charges are due and payable 30 days after the date of billing.
4. A penalty of nine percent shall be added to a comprehensive storm water service charge when the charge is not paid in said 30 days.

110.14 TERMINATION OF UTILITY SERVICES AND ASSESSMENT OF UNPAID CHARGES. After giving reasonable notice, the City 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 therefor in good faith. Unpaid storm water utility fees may be charged or assessed in the same manner as water, sewer, and garbage utility.

110.15 LIEN FOR NONPAYMENT. Except as provided for in Section 92.06 of this Code of Ordinances, 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 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)

110.16 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 in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises 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.

(Code of Iowa, Sec. 384.84)

110.17 EXEMPTIONS AND CREDITS APPLICABLE TO STORM WATER SERVICE CHARGES. All public or private property shall be subject to storm water utility service charges except as provided in this chapter. A storm water utility service charge formula is available in the office of the storm water utility. The following areas are exempt from storm water utility service charges:

1. Property owned by the City of Carter Lake.

2. Streets, alley ways, and highways in the public and private domain are exempt from utility service charges or connection fees.
3. Railroad rights-of-way (tracks) shall be exempt from storm water service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

[The next page is 645]