

RESOLUTION UB2017-03
A RESOLUTION ESTABLISHING THE POLICIES,
PROCEDURES AND FEES FOR THE SANITARY SEWER SYSTEM

WHEREAS, Chapter 95 of the Eagle Grove Municipal Code establishes a Utility Board of Trustees and acknowledges the Board's duties to manage and control the municipality-owned sewer utility; and

WHEREAS, the City Code of Ordinances was recently amended, and the sections on the sanitary sewer were removed from City Code of Ordinances.

WHEREAS, to ensure fairness between all sanitary sewer customers and for the financial well-being of the sanitary sewer system, the following regulations are established on attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Utility Board of Trustees of the City of Eagle Grove, Iowa does hereby approve and adopt the sanitary sewer policies set forth in attached Exhibit A, as its official set of guidelines and policies as may be amended by resolution of the Utility Board of Trustees from time to time.

Passed this 12th day of July, 2017.

By: _____
Thomas Peterson, Chairperson

ATTEST:

I, George McGuire, City Clerk of the City of Eagle Grove, Iowa, hereby certify that at a meeting of the Utility Board of Trustees of the City of Eagle Grove, Iowa, held on the above date, among other proceedings, the above was adopted.

George McGuire, City Clerk

CHAPTER 1

SANITARY SEWER SYSTEM

1.01 Purpose
1.02 Definitions
1.03 Superintendent
1.04 Prohibited Acts
1.05 Sewer Connection Required

1.06 Service Outside the City
1.07 Right of Entry
1.08 Use of Easements
1.09 Extension of Sanitary Sewers
1.10 Special Penalties

1.01 PURPOSE. The purpose of the chapters of this Book of Policies and Procedures pertaining to the Sanitary Sewer System is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City to protect the public health, safety, and welfare.

1.02 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 Utility Board of Trustees to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the Public Works Superintendent of the City or any authorized deputy, agent, or representative.
23. “Suspended solids” means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.
24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

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

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

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
(Code of Iowa, Sec. 716.1)
2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.
(Code of Iowa, Sec. 364.12[3f])
6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.
(Code of Iowa, Sec. 364.12[3f])

1.05 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])

1.06 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 Utility Board of Trustees for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Utility Board of Trustees.

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

1.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

1.08 USE OF EASEMENTS. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

1.09 EXTENSION OF SANITARY SEWERS. Extension of sanitary sewers and storm drains at City expense may be made at the City's sole discretion to customers located within the City taxing limits (except for subdivisions platted after 1995), but extensions shall not be made when less than three new customers will be served or where the distance involved exceeds 100 feet for each new customer. The real estate must be properly zoned for the intended use. If the new customers are not in existence at the time the extension is made, then copies of non-revocable contracts and/or leases must be presented to the City by the party requesting the extension showing that 80% of the customers will be in existence within 24 months of completion of the extension. If 80% of the customers are not in existence within 24 months, then the party requesting the extension shall reimburse the City the full cost of making the extension. For extensions of sanitary sewers and storm drains to new subdivisions, see Chapter 170 of the City's Code of Ordinances. Whether an extension is made at City expense shall be determined according to the circumstances of each case.

1.10 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 95.05, shall be served 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 Book of Policies and Procedures. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 2

BUILDING SEWERS AND CONNECTIONS

2.01 Permit
2.02 Permit Fee and Connection Charge
2.03 Plumber Required
2.04 Excavations
2.05 Connection Requirements
2.06 Interceptors Required

2.07 Sewer Tap
2.08 Inspection Required
2.09 Property Owner's Responsibility
2.10 Abatement of Violations
2.11 Building Permit Required
2.12 Prohibited Construction

2.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 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.

2.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge paid to reimburse the City for costs borne by the City in making sewer service available to the property served. The amounts of permit fee and connection charge are set by resolution of the Utility Board of Trustees.

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

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

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

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code*, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.
5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.
6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:
 - A. Recommended grade at one-fourth (1/4) inch per foot.
 - B. Minimum grade of one-eighth (1/8) inch per foot.
 - C. Minimum velocity of 2.00 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 Superintendent 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 Superintendent. 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 Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

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

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

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

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

2.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Utility Board of Trustees of such violation. If not made within such time the Utility Board of Trustees shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

2.11 BUILDING PERMIT REQUIRED. A building permit, under the requirements of Section 165.50(1) of the City Code of Ordinances, is required prior to the construction, reconstruction, or repair of any drain that will carry storm water; surface water; groundwater; roof run-off via a down spout into a subsurface drain; sub-surface drainage such as a flowing well or basement drains; uncontaminated cooling water; or unpolluted industrial process water by way of a drain or surface runoff. A building permit shall also be required prior to the permanent installation of a sump pump. No permit shall be issued for any drain that would discharge such water into a public sanitary sewer. No drain system will be placed into operation before the City or its designated contractor has inspected and approved the system.

2.12 PROHIBITED CONSTRUCTION. No structure shall be constructed or placed over or within 25 feet of an existing storm sewer, sanitary sewer, or drainage tile. No structure shall be constructed or placed over or within 50 feet of a drainage ditch or area which permits the natural flow of water. The City shall deny construction permits for such locations.

CHAPTER 3

USE OF PUBLIC SEWERS

3.01 Water Discharge

3.02 Compliance Regarding Water Discharge

3.03 Prohibited Discharges

3.04 Restricted Discharges

3.05 Restricted Discharges; Powers

3.06 Special Facilities

3.07 Control Manholes

3.08 Testing of Wastes

3.09 Building Permit Required

3.01 WATER DISCHARGE. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage such as a flowing well, sump-pumped water from an inside or outside drain, footing tile, uncontaminated cooling water, or unpolluted industrial process water by way of a drain or surface runoff, directly or indirectly, to any sanitary sewer. Such waters shall be discharged to sewers that are specifically designated as storm sewers or to a natural outlet approved by the City. Any discharge tile or lines that are connected to a storm sewer shall include a check valve.

3.02 COMPLIANCE REGARDING WATER DISCHARGE. For several years the drainage systems of many tracts of real property within the City have caused storm water and other water to be discharged into the public sanitary sewers. That often causes the sanitary sewer disposal system to become overloaded. The resulting problems include the flooding of residential basements during heavy rainfall, the occasional necessity of permitting sanitary sewage to be discharged into local streams, and the additional wear and tear that are placed on the City wastewater treatment plant.

1. Mandatory Compliance – “Sump Pump” Inspections. The City or its designated contractor will inspect and test each tract of real property in the City and determine whether it complies with the sump pump, downspout, and surface drainage provisions in this chapter. Mobile homes are exempt from this requirement. An initial inspection will be performed to determine compliance. If a tract of real property complies, the owner will be provided with a verified permit that shows compliance. If the real property fails to comply, the owner shall place the real property into compliance. The City shall re-inspect or retest the discharge of water after the City is notified that compliance has been achieved. All properties must become compliant within 120 days after the date of the initial inspection. Note: The “sump pump” inspections noted above are required of every property.
 - A. The cost and procedures of inspecting and testing shall be established by a resolution of the Utility Board from time to time. Payment shall be made to the City or its designated contractor after the inspection and test.
 - B. Failure on the part of an owner, tenant, or other person in possession of a tract of real property to allow the City or its designated contractor to inspect and test for compliance will be considered noncompliance.
 - C. Failure to comply with Sections 3.01 and 3.02 of this chapter by the deadlines specified for each category shall result in an increase in the monthly utility bill for that real property. Such increase shall continue until compliance is achieved.

The amount of the increase shall be established by a resolution of the Utility Board from time to time.

- D. Failure to comply with Sections 3.01 and 3.02 may also be considered a municipal infraction on the part of the owner of the real property.
- E. The City may also consider taking legal action against a property owner who has failed to comply with Sections 3.01 and 3.02, when such failure causes the City to incur expenses or damages resulting from water that is discharged into the sanitary sewer.
- F. If, at any time, the City has reason to believe that a property is not in compliance with Sections 3.01 and 3.02, the owner shall allow a City employee or designated contractor to inspect the real property, after providing the owner with reasonable notice.

2. Notices.

- A. Sections 3.01 and 3.02 shall immediately be placed in a verified notice to be signed by the City Administrator and filed with the Wright County Recorder, so that the same shall appear in all real property abstracts of title.
- B. Any notices given to owners of real property in regard to Sections 3.01 and 3.02 shall be made in writing and may be delivered in person, posted on the front door, or by ordinary mail to the owner's last known address.

3. Sale of Real Property. Prior to the sale of any real property (excluding lots without a building), the seller shall require the City or its designated contractor to inspect and test the real property and determine whether it complies with Section 3.01 of this chapter, unless a property has already passed this inspection and a verified permit has been issued as set forth below, in which case no further inspection shall be required for the sale or transfer of real property. This requirement shall become effective on January 1, 2009. If the real property does comply, the City or designated contractor shall provide the seller with a verified permit that shows compliance. The cost of inspecting and testing shall be borne by the seller, unless the buyer agrees to pay the cost. The cost will be paid directly to the inspection agency. If the real property does not comply, it shall be placed into compliance prior to the closing of the sale of the real property, and the City or designated contractor shall re-inspect or retest the discharge of water at that time. The costs associated with any corrections required to consider a property compliant will be paid by the seller, unless the buyer agrees to pay the cost, but shall not be the responsibility of the City. Once the property is found to be in compliance under this section, the City will issue the certificate of compliance to be recorded with the County Recorder. Failure to comply with Sections 3.01 and 3.02 shall be dealt with as explained in paragraphs B, C, D, E, and F of subsection 1, above, except that the increase in the monthly utility bill for that real property shall begin on the first day of the month after the closing of the sale. In the event that a property is not in compliance with Sections 3.01 and 3.02, but if weather or availability of contractor does not permit the improvements to be made prior to the scheduled real estate closing, the following requirements shall be complied with before a certificate will be issued:

- A. The City receives a copy of the failed inspection checklist (signed and dated) noting the items of non-compliance.
- B. The Seller shall submit to the City a formal, written proposal from the contractor hired to complete the work to bring the property into compliance. This proposal will include a time frame in which the work will be completed but shall not be longer than six months from the date of the noncompliance notice.
- C. The seller and buyer agree to hold 125% of the amount of money set forth in the written proposal in escrow until the work is completed. With proof from the closing agent that sufficient funds have been escrowed, the transaction can close and a certificate of compliance will be issued.
- D. The City receives a copy of a signed agreement between the contractor and the party taking responsibility for paying for the corrective work.
- E. The City receives a written explanation of the work to be performed that will easily identify the proposed work to be done in order to bring the property into compliance.

The City or designated contractor shall re-inspect or retest the discharge of water at its earliest convenience after the work is completed. The cost for this re-inspection shall be borne by the seller, unless the buyer agrees to pay the cost. If the property is found to be noncompliant after such a date, the new property owner will be subject to the penalty provisions in this chapter.

3.03 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 Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 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 Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (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 (1/2) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials 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.

3.05 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 3.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 5.

3.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

3.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

3.08 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).

3.09 BUILDING PERMIT REQUIRED. A building permit is required prior to the construction, reconstruction, or repair of any sanitary sewer line or drain that will carry sanitary sewer water into the City's sanitary sewers. No permit shall be issued for any line or drain that would discharge such water into any other location than the City's sanitary sewer. No drain system will be placed into operation before the City or its designated contractor has inspected and approved the system.

CHAPTER 4

ON-SITE WASTEWATER SYSTEMS

4.01 When Prohibited
4.02 When Required
4.03 Compliance with Regulations
4.04 Permit Required

4.05 Discharge Restrictions
4.06 Maintenance of System
4.07 Systems Abandoned
4.08 Disposal of Septage

4.01 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])

4.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 1.06, 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])

4.03 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])

4.04 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.

4.05 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])

4.06 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.

4.07 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 1.06, 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])

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

CHAPTER 5

SEWER USE CHARGES

5.01 Purpose	5.09 Responsibility for Increased Costs
5.02 Definitions	5.10 Application
5.03 Use of Funds	5.11 Billing and Payment
5.04 Accounts Designated	5.12 Review of Rates
5.05 Year-End Balances	5.13 Notification of Rate Change
5.06 Charges Based on Usage	5.14 Lien for Nonpayment
5.07 User Charges	5.15 Special Agreements Permitted
5.08 Special Rates	5.16 User Charge Rates

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

5.02 DEFINITIONS. Unless the context specifically indicates otherwise, the meanings of the terms used in this chapter are as follows:

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

6. “Useful life” means the estimated period during which a treatment works will be operated.
7. “User charge” means that portion of the total wastewater service charge that is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.
8. “Water meter” means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

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

5.04 ACCOUNTS DESIGNATED. That portion of the total user charge collected that is designated for operation and maintenance including replacement purposes as established in Section 5.06 shall be deposited in a separate non-lapsing fund known as the *Sewer Operation, Maintenance and Replacement Fund* and will be kept in two primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.
2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made at least annually from the Sewer Operation, Maintenance and Replacement Fund.

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

5.06 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user’s use of the treatment works as determined by water meters acceptable to the City, as follows:

1. Normal Domestic Users. For residential customers and other “normal domestic” users, monthly user charges will be based on monthly water usage during the month.
2. Industrial and Commercial Use. For industrial and commercial customers, user charges shall be based on water used during the current month. If a commercial or industrial customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the customer’s expense, and in a manner acceptable to the City.

5.07 USER CHARGES. Each customer shall pay a user charge for operation and maintenance, including replacement.

5.08 SPECIAL RATES. For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected.

5.09 RESPONSIBILITY FOR INCREASED COSTS. Any user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user that discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works shall pay for such increased costs. The charge to each such user shall be determined by the responsible plant operating personnel and approved by the Utility Board.

5.10 APPLICATION. The user charge rates established in this chapter apply to all users of the City's treatment works, regardless of their location.

5.11 BILLING AND PAYMENT. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

1. Bills Payable. Bills for utility service are due and payable at City Hall on their date of issue. The past due date shall be the fifteenth (15th) day after the date of issue. Bills will be dated and mailed on the first of each month.
2. Late Payment Penalty. A late payment penalty, set by the Utility Board through Resolution, of the amount due shall be added to each delinquent bill per month.

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

5.13 NOTIFICATION OF RATE CHANGE. The City will notify each user initially and when there is a change in the amount of rate being charged for operation and maintenance including replacement of the treatment works.

5.14 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes. (*Code of Iowa, Sec. 384.84[1]*)

5.15 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Utility Board, 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 Utility Board.

5.16 USER CHARGE RATES. Customers of the City's sanitary sewers shall pay user charges at the rate set by the Utility Board through resolution.