

## CHAPTER 90

# WATER SERVICE SYSTEM

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**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. “Water main” means a water supply pipe provided for public or community use.
4. “Water Operator In Charge” means the Water Operator In Charge of the City water system or any duly authorized assistant, agent or representative.
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 DUTIES OF THE WATER OPERATOR IN CHARGE.** The Water Operator In Charge 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 in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Water Operator In Charge 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 Water Operator In Charge 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.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City’s public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official

notice to do so, provided that said public water main is located within three hundred (300) feet of the property line of such owner.

1. Individual Water Service Connection Requirements. Each building containing one or more dwelling units to be rented must have water supplied to it by its own individual service connection as provided for in Section 90.11 of this Code of Ordinances. If a building has more than one dwelling unit to be rented, the owner of the building must either be responsible for the bill for all water and sewer usage of all units in the building, or the owner must provide means whereby each water service on a separate billing account can be disconnected without disconnecting service provided to other billing accounts. Such connection valves must be accessible to City staff from outside the building, a common area, or through some other means whereby the City employee would not have to enter the private premises of a resident.

**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.

**90.05 PERMIT.** Before any person makes a connection with the public water system, a written permit must be obtained from the City. 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. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (60) days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

**90.06 FEE FOR PERMIT.** Before any permit is issued the person who makes the application shall pay twenty-five dollars (\$25.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

*(Code of Iowa, Sec. 384.84[2a])*

**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 shall be made by a plumber licensed by the City. The Water Operator In Charge shall have the power to suspend the license of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Water Operator In Charge shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Water Operator In Charge shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

**90.09 EXCAVATIONS.** All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

**90.10 INSPECTION AND APPROVAL.** All water service pipes and their connections to the water system must be inspected and approved by the Water Operator In Charge before they are covered, and the Water Operator In Charge shall keep a record of such approvals. If the Water Operator In Charge 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 Water Operator In Charge to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

**90.11 TAPPING MAINS.** All taps into water mains shall be made by the Water Operator In Charge in accord with the following:

1. Fee. The tapping fee is one hundred fifty dollars (\$150.00), plus the cost of any materials.
2. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Water Operator In Charge and unless provision is made so that each house, building or premise may be shut off independently of the other.
3. Sizes and Location of Taps. The size and location of the taps shall be determined by the Water Operator In Charge.
4. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Water Operator In Charge, shall be inserted in every tap in the main. The corporation stop in the main shall in no case be smaller than one size smaller than the service pipe.

**90.12 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.

**90.13 RESPONSIBILITY FOR WATER SERVICE PIPE.** All costs and expenses incident to the installation 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.

**90.14 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 to the property.

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

**90.15 WORKING CURB VALVE.** There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Water Operator In Charge. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible

and even with the pavement or ground. The shut-off valve cannot have a drain-back, and all work must be done by a licensed plumber.

**90.16 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.

**90.17 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 Water Operator In Charge shall have the right to finish or correct the work, and the City shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit, and the plumber's bond shall be security for the assessment. 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 Water Operator In Charge may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Water Operator In Charge has ordered the water to be turned on.

**90.19 OPERATION OF CURB VALVE AND HYDRANTS.** It is unlawful for any person except the Water Operator In Charge 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 CROSS-CONNECTIONS.**

1. Definitions. For use in this section the following terms are defined:
  - A. "Approved backflow prevention assembly" means backflow assemblies complying with the Iowa State Plumbing Code Section 641-25.5(1)b or Section 641-25.5(1)c for containment in a fire protection system.
  - B. "Auxiliary water supply" means any water supply on or available to the premises other than the purveyor's public water supply. These auxiliary waters may include water from any purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.
  - C. "Back-pressure" means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source.
  - D. "Back-siphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

E. “Backflow” means the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

F. “Contamination” means an impairment of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

G. “Cross-connection” means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connection, removable sections, four-way plus valve, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes.

H. “Cross-connection containment” means the installation of an approved backflow assembly at the water service connection to any customer’s premises where it is physically, economically infeasible to find and permanently eliminate or control all actual or potential cross-connections with the customer’s water system; or it means the installation of an approved backflow prevention assembly on the service line leading to the supplying portion of a customer’s water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

I. “Cross-connection controlled” means a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

2. Responsibility. The Water Operator In Charge shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Operator In Charge, an approved backflow device is required (at the customer’s water service connection, or within the customer’s private water system) for the safety of the water system, the Water Operator In Charge shall give notice in writing to said customer to install such an approved backflow prevention assembly at a specific location on said customer’s premises. The customer shall immediately install such approved assembly at the customer’s own expense, and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

3. Plumbing Official. The Water Operator In Charge has the responsibility not only to review building plans and inspect plumbing as it is installed, but the Water Operator In Charge has the explicit responsibility of preventing cross-connections from being designated and built into the structure within the City’s jurisdiction. Where the review of building plans suggests or detects the potential for a cross-connection being made an integral part of the plumbing system, the Water Operator In Charge has the responsibility to require such cross-connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the

Plumbing Code. The Water Operator In Charge's responsibility begins at the point of service (the downstream side of the meter) and carries throughout the entire length of the customer's water system. The Water Operator In Charge should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such a cross-connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed in accordance with the *Manual of Cross-connection Control* published by the Foundation for Cross-Connection Control, Hy Di Research.

4. Certified Backflow Assembly Technician. When employed by the customer or the City Water Department to test, repair, overhaul and/or maintain backflow prevention assemblies, a backflow assembly technician will have the following responsibilities:

- A. Be responsible for insuring acceptable testing equipment and procedures that are used for testing, repairing or overhauling backflow prevention assemblies.
- B. Make reports of such testing and/or repair to the customer and City. The report shall include a list of materials or replacement parts used.
- C. Insure replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
- D. Maintain the design, material or operational characteristics of the assembly during repair or maintenance.
- E. Perform the work and be responsible for the competence and accuracy of all tests and reports.
- F. Ensure that his or her license is current, the testing equipment being used is acceptable to the State and is in proper operating condition.
- G. Report any failing assembly to the Bureau of Public Water Supplies and the water purveyor within five (5) working days. Failure to do so may be grounds for revocation of the technician's certification.
- H. Be equipped with and be competent to use all necessary tools, gauges and other equipment necessary to properly test, repair and maintain backflow prevention assemblies.
- I. Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gaps, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.

In the case of a customer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the customer, water purveyor. If such a commercially tested assembly is in need of repair, a qualified and trained person must make the actual repair.

5. Requirements.

- A. No water service connection to any premises shall be installed or maintained by the City Water Department unless the water supply is protected as required by State laws, regulations, codes and this section. All new construction shall include an approved backflow prevention assembly to

achieve total containment of each water service connection for residential, commercial, industrial, fire, governmental and/or irrigation use. Service of water to any premises shall be discontinued by the Water Department if a backflow prevention assembly required by this section for control of backflow and cross-connection is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system shall be open for inspection at all reasonable times to the Water Operator In Charge to determine whether cross-connections or other structural or sanitary hazards, including violations of this section exist. When such a condition becomes known, the Water Department shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the State and City statutes relating to plumbing, water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line, or immediately inside the building being served; but in all cases, before the first branch line leading off the service line, whenever the Water Department deems the protection of the water supply to be in the best interest of the water supply customers. All water tank fill points, bulk load-outs and chemical spraying devices attached to any garden hose shall have a backflow prevention device or a proper air gap. The type of protection assembly required under paragraph B of this subsection shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect).

D. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation, and which have been properly maintained, shall, except for the inspection and maintenance requirements under paragraph A of this subsection, be excluded from the requirements of these rules so long as the Water Department is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the Water Department finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

E. Where the level of the risk of backflow warrants, in the opinion of the Water Water Operator In Charge, there shall be an annual inspection and operational test of the backflow prevention assemblies, at the customer-user's expense. In those instances where the Water Operator In Charge deems the hazard to be great, he or she may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician.

F. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the *Manual of*

*Cross-connection Control.* All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

G. All backflow prevention assemblies installed in potable water supply systems for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. The Water Operator In Charge may inspect such assemblies and, if found to be defective or inoperative, shall require the replacement thereof. No assembly shall be removed from use, relocated or another assembly substituted without the approval of the Water Operator In Charge.

H. All backflow prevention assemblies shall be tested within ten (10) working days of installation.

I. No backflow prevention assembly shall be installed so as to create a safety hazard, for example, installed over an electrical panel, steam pipes, boilers, pits or above ceiling level.

J. In the event a contamination of the water distribution system should occur from any home or business, that home or business shall be responsible for all costs incurred by the Water Department to resolve said contamination.

K. Industrial fixture and cross-connection inspections will be performed annually by the Water Operator In Charge.

6. Permits. The Department shall not permit a cross-connection within the public water system unless it is considered necessary and that it cannot be eliminated.

A. Cross-connection permits that are required for each backflow prevention device are obtained from the Department. A fee of \$25.00 will be charged for the initial permit and \$10.00 for the renewal of each permit.

B. Permits shall be renewed every year and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the cross-connection or degree of hazard associated with the service.

C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

7. Records and Reports.

A. Records. The Water Department will initiate and maintain the following:

- (1) Master files on customer cross-connection tests and/or inspections.
- (2) Master files of cross-connection permits.
- (3) Copies of permits and permit applications.
- (4) Copies of lists and summaries supplied to the State of Iowa Water Supply and Pollution Control Commission.

B. Reports. The Water Department will submit the following to the Commission.

- (1) Initial listing of low hazard cross-connection to the State.

- (2) Initial listing of high-hazard cross-connection to the State.
- (3) Annual update of lists.
- (4) Annual summary of cross-connection inspections to the State.

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## 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 Tampering Prohibited

**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 furnished by the City and installed by the City.

*(Code of Iowa, Sec. 384.84[1])*

**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 Water Operator In Charge. 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. All meters shall be set immediately after the meter valve and immediately following the meter an approved backflow prevention device, approved by the Water Operator In Charge, shall be installed. Meter pits may be used only upon approval of the Water Operator In Charge and shall be of a design and construction approved by the Water Operator In Charge.

**91.06 METER REPAIRS.** Whenever a water meter owned by the City is found to be out of order the Water Operator In Charge 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, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

**91.07 RIGHT OF ENTRY.** The Water Operator In Charge shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

**91.08 TAMPERING PROHIBITED.** If any person tampers with any meter and so injures the same that it does not accurately measure the amount of water flowing through it, or if any person diverts the flow of water so that it does not pass through the meter, such person is guilty of a misdemeanor.

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## 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  
 92.10 No Deduction for Leakage

**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[1])*

**92.02 RATES FOR SERVICE.** Water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84[1])*

| Gallons Used Per Month  | Rate                     |
|---|--------------------------|
| First 1,500   | \$5.60 per 1,000 gallons |
| Next 4,000  | \$4.00 per 1,000 gallons |
| Next 60,000   | \$2.55 per 1,000 gallons |
| All over 65,500   | \$1.60 per 1,000 gallons |
| There shall be added a charge of \$0.50 to each bill allocated to the Solid Waste Fund for the cost of staffing the Hampton compost site. |                          |
| <b>The minimum bill per month is \$8.90.</b>  |                          |

**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 Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the twentieth (20<sup>th</sup>) day of the same month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.

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

*(Code of Iowa, Sec. 384.84[1])*

1. Notice. The Clerk 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 has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Public Works Director or City Manager shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
4. Fees. A restoration fee of fifty dollars (\$50.00) 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. The City may require a deposit not exceeding the usual cost of ninety (90) days of water service 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 and the date of occupancy. 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 the water 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 ten business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

*(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 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 not the owner of the premises served a one hundred fifty dollar (\$150.00) deposit intended to guarantee the payment of bills for service.

*(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 stop when the property is expected to be vacant for an extended period of time. There shall be a ten dollar (\$10.00) fee collected for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

**92.10 NO DEDUCTION FOR LEAKAGE.** No deduction will be made because of leakage after the water has passed through a meter. If leakage occurs in a service pipe, including frozen pipes, the City may shut off the supply at the curb valve until the service is repaired.

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## CHAPTER 93

# PRIVATE WELLS AND WATER SYSTEMS

93.01 Required Conditions

93.02 Permit for New Well

93.03 Annual Renewal of Permit

93.04 Non-renewal of Annual Permit

93.05 Revocation of Permit

93.06 Health and Safety Standards; Right of Inspection

93.07 Permit Fees

93.08 Termination and Abandonment

**93.01 REQUIRED CONDITIONS.** Except as hereinafter provided, private wells and water systems shall not be maintained by any individual or property owner, nor shall any new wells be established within the City limits. Private wells and water systems shall be allowed only if one or more of the following conditions are established by the applicant to the satisfaction of the City:

1. Existing Well. The well or water system was in existence prior to January 1, 2000, and no part of a tract of ground from which a private well or water system is proposed is within 300 feet of a City water main.
2. Undue Hardship. If the property owner or individual applying for a private well permit can show that denying the permit and not allowing the private well or water system will cause the individual or property owner undue hardship. "Undue hardship" in this case means that the particular tract of land is so topographically situated that connection to the City water main system would be unfeasible and that the particular conditions causing the unfeasibility of the connection are in no way caused or contributed to by the owner or permit applicant. The Council shall rule on all questions of undue hardship and their decision shall be final.

**93.02 PERMIT FOR NEW WELL.** All individuals who desire to construct or maintain a new private well or water system within the City must first make application to the Water Operator In Charge for a private well permit. The Council shall establish the contents of the permit application by resolution. No permit for a new well or water system shall be granted unless one or more of the required conditions under Section 93.01 are established and the well meets all the requirements of the Code of Iowa.

**93.03 ANNUAL RENEWAL OF PERMIT.** Every well, including existing wells and future wells, shall be tested annually and results of the tests filed with the Water Operator In Charge. The Water Operator In Charge shall test every well annually for bacteria and nitrates during the month of July of each year at the well owner's expense, and the test results shall be filed with the Water Operator In Charge on or before the first day of August of each year. If a well owner fails to comply with this annual test requirement, the Water Operator In Charge shall send a notice to the well owner at the last known address, advising the well owner no annual test results have been filed with the Water Operator In Charge. The notice shall further specify that if the well owner does not properly test the well and file the test results with the Water Operator In Charge within sixty (60) days after the date of mailing of the notice, the City shall declare the well abandoned, and the owner shall forthwith terminate use of the well as required under Section 93.08 of this chapter. In the event a well owner has timely filed the annual test results with the Water Operator In Charge or timely filed test results after notice and the test results show compliance with all applicable health and safety standards as required by appropriate City, County, State and Federal rules, regulations and

laws, the Water Operator In Charge shall renew the original permit for an additional one-year period.

**93.04 NON-RENEWAL OF ANNUAL PERMIT.** In the event a well owner receives annual test results that indicate lack of compliance with appropriate City, County, State and Federal rules, regulations and laws, the well owner shall immediately advise the City of the test results and immediately correct the problems and bring the well up to applicable standards. The well owner shall have an additional ninety (90) days after August 1 of each year to correct any problems shown by the annual test. If applicable standards cannot be met or if the problems are not timely corrected, no renewal permit shall be issued and the well owner shall forthwith terminate use of the well as required under Section 93.08.

**93.05 REVOCATION OF PERMIT.** If at any time it is determined that a private well or water system does not meet applicable City, County, State and Federal rules regulations or laws, the permit issued pursuant to this chapter shall automatically terminate without further notice to the well owner. The well owner shall have ninety (90) days to correct the problem so that applicable standards are met. In the event applicable standards cannot be met, the well shall be abandoned and the well owner shall forthwith terminate use of the well as required by Section 93.08. In the event a private well or water system is not used for any consecutive nine-month period of time, then at the expiration of the current private well permit period, the permit shall not be renewed unless the well owner shows good cause for the non-use and all provisions of this chapter for a new well are complied with.

**93.06 HEALTH AND SAFETY STANDARDS; RIGHT OF INSPECTION.** All private wells and private water systems for which permits are granted pursuant to this chapter shall meet all applicable City, County, State and Federal rules, regulations and laws. All permit holders, as a condition of receiving a permit, grant to the City the right to enter the well owner's property solely to inspect and test any private well and water system maintained upon the permit holder's property. In the event the private well or water system so inspected and tested by the City does not meet applicable standards, the City shall notify the well owner in writing of the failure to meet applicable standards. The well owner shall have ninety (90) days from the date of mailing the notice to correct the problems. If the owner fails to timely correct the problem, the permit issued pursuant to this chapter shall terminate without further notice to the well owner, and the well owner shall forthwith terminate use of the well as required under Section 93.08. In the event a private well or water system cannot be brought up to applicable standards in the time period allowed herein, and the well owner is not otherwise connected to the City's water system, the well owner shall connect to the City's water system within 180 days in accordance with this Code of Ordinances.

**93.07 PERMIT FEES.** The following fee schedule applies to permits for private wells and water systems.

1. Initial Permit. No fee is charged for the initial registration permit for an existing well.
2. Annual Renewal Permit. There is no fee for each annual renewal permit, provided the well owner does the test at the owner's own expense. In the event a well owner fails to have the well tested as required pursuant to this chapter and the City makes the test, the costs of testing shall be charged to the well owner, and the well owner shall pay an annual permit fee of fifty dollars (\$50.00).
3. Permit Fees for New Wells. Any person desiring to install a new well or water system shall make application to the Water Operator In Charge for a permit and

prior to start of construction shall pay, for a new well to be used for a supply of potable water, a fee of \$50.00; and in addition, the well owner shall file with the Clerk a certificate from a State authorized laboratory that a State bacteriological test has been made on the water and the water supply is potable. All permit fees shall be paid to the Clerk at the time the application is filed. In the event the permit is not granted, the application fee shall be returned to the applicant.

**93.08 TERMINATION AND ABANDONMENT.** In the event any private well or water system is no longer being used, due to failure to comply with applicable standards, the well owner's connection to the City water system or other reasons, the well owner or property owner shall cut off the service mains to the well and the well abandoned in such manner as to preclude its further use by being plugged by a licensed contractor. The termination of use shall be done by the owner in accordance with standards and guidelines of the Iowa Department of Natural Resources.

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## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Wastewater Lead Operator

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 (20) degrees C., expressed in milligrams per liter or parts per million.

2. "Building drain" means that part of the lowest horizontal piping of a 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.

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

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. "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 groundwaters are not intentionally admitted.
15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer rental" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
21. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. "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.
23. "Wastewater Lead Operator" means the Wastewater Lead Operator of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

**95.03 WASTEWATER LEAD OPERATOR.** The Wastewater Lead Operator 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 Sewers 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 Wastewater Lead Operator.

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 Sewers chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) 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.

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

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

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

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

96.07 Sewer Tap  
96.08 Inspection Required  
96.09 Property Owner's Responsibility  
96.10 Sump Pump and Drain Requirements  
96.11 Backflow Prevention; Cross-Connection  
96.12 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 City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 PERMIT FEE AND CONNECTION CHARGE.** The person who makes the application shall pay a fee in the amount of ten dollars (\$10.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of two hundred fifty dollars (\$250.00) for a single-family residence. For multiple dwelling units, the connection fee shall be two hundred fifty dollars (\$250.00) for the first dwelling unit and one hundred dollars (\$100.00) for each additional dwelling unit. The minimum sewer connection fee for commercial establishments shall be five hundred dollars (\$500.00). These fees will be charged for connection with City-owned sewer mains, or for a connection with sewer mains on private property on which the City has an easement for maintenance purposes. This fee will not be collectible on sewer connections from lots on which a previous special assessment for sewer construction has been made, but will be charged on all connections where the cost of building and installation of the sewer line was paid by the City.

**96.03 PLUMBER REQUIRED.** All installations of building sewers and connections to the public sewer shall be made by a plumber licensed by the City. The Wastewater Lead Operator shall have the power to suspend the license of any plumber for violation of any of the provisions of these Sanitary Sewers chapters; a suspension, unless revoked, shall continue until the next regular meeting of the Council. The Wastewater Lead Operator shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Wastewater Lead Operator shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper.

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

**96.05 CONNECTION REQUIREMENTS.** Any connection with a public sanitary sewer must be made under the direct supervision of the Wastewater Lead Operator 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 Wastewater Lead Operator, 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 Wastewater Lead Operator 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 2.00 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 Wastewater Lead Operator 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. Ductile iron water pipe – A.S.T.M. A-377.
- B. P.V.C. – DWV – A.S.T.M. D-2665.

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

11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Wastewater Lead Operator. 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 Wastewater Lead Operator. 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.

14. Clean-out Required. A two-way clean-out is required to be placed outside the building and every one hundred (100) feet thereof to the main connection. In the case of new construction, a check valve is also required in a residential line.

**96.06 INTERCEPTORS REQUIRED.** Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, restaurants, food preparation facilities, car washes, garages, and other facilities when, in the opinion of the Wastewater Lead Operator, 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 Wastewater Lead Operator, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

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

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

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

**96.10 SUMP PUMP AND DRAIN REQUIREMENTS.** All sump pumps operated within the City shall be required to make application to the Wastewater Lead Operator for a sump pump permit, which shall be filed by the Wastewater Lead Operator. Sump pumps shall be allowed only upon the meeting of the following conditions established by the City:

1. All new construction, the building permits for which are received after the effective date of the 2002 Code of Ordinances and having a floor level which at all points is below ground level shall be serviced by a sump pump and footing drains. This requirement may be waived by the Wastewater Lead Operator upon the applicant's showing that existing drainage conditions do not require installation of a sump pump. All such connections shall be inspected by the Wastewater Lead Operator.
2. In all new construction, plans for the installation of the sump pump and footing drains shall be submitted with the building plans and shall be a condition of approval of any plans. All the plans and construction of the sump pumps and footing drains shall be done in such a manner as to comply with all the requirements of this Code of Ordinances in disposing of all waters of any kind as well as any sewage or waste.
3. No existing structure in the City shall have a sump pump operated in such a manner so as to allow the drainage from the pump to flow into the sanitary sewer system of the City.
4. The Wastewater Lead Operator is directed and authorized to compile a list of sump pumps in existing structures within the City. The purpose of this list will be to

evaluate and monitor the discharge from the sump pumps to ensure that the discharge shall not infiltrate the sanitary sewer system or otherwise create a nuisance. The Wastewater Lead Operator is further directed and authorized to conduct routine inspections of every existing structure within the City connected to the sanitary sewer system to determine whether or not the structure has a sump pump and, if so, whether the discharge from the sump pump is in conformity with this Code of Ordinances.

**96.11 BACKFLOW PREVENTION; CROSS-CONNECTION.** When the Wastewater Lead Operator concludes that a possible backflow condition could result or a possible cross-connection exists in any premises connected to the sanitary sewer system, the owner of such premises shall take action deemed appropriate or install devices approved by the Wastewater Lead Operator to correct the condition. All costs shall be borne by the owner and failure to take such action shall result in termination of water service to the premises until the condition is corrected.

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

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

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## CHAPTER 97

### USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges - Powers

97.06 Special Facilities

97.07 Control Manholes

97.08 Testing of Wastes

**97.01 STORM WATER.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Wastewater Lead Operator. Industrial cooling water or unpolluted process waters may be discharged on approval of the Wastewater Lead Operator, to a storm sewer, combined sewer, or natural outlet.

**97.02 SURFACE WATERS EXCEPTION.** Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Wastewater Lead Operator 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 be in 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 (1) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by

weight of suspended solids, or (3) having an average daily flow greater than two (2) percent of the average sewage flow of the City, shall be subject to the review of the Wastewater Lead Operator. Where necessary in the opinion of the Wastewater Lead Operator, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (3) 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 Wastewater Lead Operator 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 Wastewater Lead Operator 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 Wastewater Lead Operator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (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 Wastewater Lead Operator 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 Wastewater Lead Operator as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Wastewater Lead Operator 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 Wastewater Lead Operator 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 Wastewater Lead Operator 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 Wastewater Lead Operator 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 Wastewater Lead Operator 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 Wastewater Lead Operator, 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 Wastewater Lead Operator. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

**97.08 TESTING OF WASTES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods of the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

## 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.

## 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.** Sewer service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84)*

1. Base Rate. A base rate of \$17.00 per month, plus the usage rate. Effective July 2009, the base rate shall increase to \$18.00 per month.
2. Usage Rate. \$1.40 per 1,000 gallons for the first 15,000 gallons and \$1.20 per 1,000 gallons for over 15,000 gallons.

**99.03 SPECIAL RATES.** Where, in the judgment of the Wastewater Lead Operator 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 Wastewater Lead Operator 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. The minimum charge is twenty-three dollars (\$23.00) per month. In July of 2009, the minimum charge shall be twenty-four dollars (\$24.00) per month.

*(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.** 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.

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## CHAPTER 105

# SOLID WASTE CONTROL

|  |   |
|--|---|
| 105.01 Purpose                               | 105.09 Littering Prohibited                 |
| 105.02 Definitions                           | 105.10 Open Dumping Prohibited              |
| 105.03 Sanitary Disposal Required            | 105.11 Toxic and Hazardous Waste            |
| 105.04 Health and Fire Hazard                | 105.12 Waste Storage Containers             |
| 105.05 Open Burning Restricted               | 105.13 Prohibited Practices                 |
| 105.06 Burning and Incineration Prohibited   | 105.14 Sanitary Disposal Project Designated |
| 105.07 Incinerators                          | 105.15 Scheduled Offenses and Fines         |
| 105.08 Separation and Disposal of Yard Waste |   |

**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.

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 a sanitary landfill site operated by Landfill of North Iowa pursuant to and in accordance with an agreement between the City and said agency dated June 22, 1994.

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. If it becomes a nuisance, the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 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. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

3. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth ( $\frac{1}{4}$ ) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(IAC, 567-23.2[3d])*

4. 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. Recreational fires shall be limited to small fires utilizing only natural wood, small sticks and faux logs. It is unlawful to burn in such fire paper products, plastic, tires, treated, stained or varnished lumber or any lumber that contains any chemical substances, construction materials except dimensional lumber that has not been treated with chemicals or stained and is cut into lengths not exceeding the diameter of the fire containment device, and/or yard waste such as leaves and grass clippings. Such recreational fire shall be contained in a fire ring or other recreational fire containment device not exceeding three (3) feet in diameter with the flame height not to exceed four (4) feet. Such fire shall be supervised by a competent individual at all times and extinguished completely before leaving the site of the recreational fire. Such fire shall be extinguished if determined to be a nuisance as defined by Chapter 50 of this Code of Ordinances.

*(IAC, 567-23.2[3e])*

5. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting 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])*

6. 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])*

7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

8. 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])*

9. 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 BURNING AND INCINERATION PROHIBITED.** It is unlawful for any person for hire to burn or incinerate or permit the burning or incineration of any solid waste within the City. This section applies to all solid waste and also specifically includes all waste paper, boxes, market waste, garden waste, trees, tree limbs, leaves and any and all materials other than materials used as a fuel in a furnace or boiler. This section does not apply to any incinerator operated by or for the City or to any burning conducted under the direction of the Fire Department of the City.

**105.07 INCINERATORS.**

1. It is unlawful for any person within the City to sell or offer for sale or to install or offer to install any device intended for use as a garbage or solid waste burner or incinerator, except when the intended user of such a device has secured a license to operate or use the same from the City, or when such device will be operated by or for the City.

2. It is unlawful for any person within the City to use, install or otherwise permit the use or installation of a container for the purpose of incineration unless such container is licensed by the City and the Iowa Department of Natural Resources, and conforms to State and Federal limits for emission of air contaminants.

**105.08 SEPARATION AND DISPOSAL OF YARD WASTE.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted, mulched or utilized or burned on the premises in such a manner so as not to cause a public nuisance, or placed in acceptable containers and set out for collection. 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. Burning of yard waste shall be limited to a 30-day time period in the fall of each year. Said time period will be determined by the City Manager. Burning during said 30 days shall only be allowed from 12:00 p.m. (noon) until darkness, "darkness" being defined as when the street lights come on. Burning of yard waste shall not occur at a proximity of less than 20 feet from any structure or building and shall be supervised by a competent person at all times and shall not be left unattended until the fire is completely extinguished.

**105.09 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)*

**105.10 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. As used in this section, “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 floodplain. 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)*

**105.11 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])*

**105.12 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 of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and 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 also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise 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 upon the residential premises. 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 leaving the premises except at collection.
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.
4. **Nonconforming Containers.** Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

**105.13 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. **Scavenging.** Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
4. **Commercial Containers on Residential Property.** It is unlawful for a person to store a commercial container on a residential property without the written permission of the City. Permission will be granted only for the express purpose of construction on the property or the cleanup of a residence for the purpose of vacating a premises. Written permission will be granted on a time scale determined by the City and will be regulated by the City.

**105.14 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Landfill of North Iowa in accordance with an agreement between the City and said agency dated June 22, 1994, are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.15 SCHEDULED OFFENSES AND FINES.** The following scheduled fines are fixed for violation of this chapter:

1. First Offense - \$25.00
2. Second Offense - \$100.00
3. Third Offense - \$200.00

## 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 License  
106.08 Landfill Fee  
106.09 Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be only by collectors licensed by the City.

**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, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish which 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 therefor 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 LICENSE.** 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 license in accordance with the following:

1. Application. Application for a solid waste collector's license 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 license 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. License Fee. A license fee in the amount of one hundred dollars (\$100.00) shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. License 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 license shall be issued to be effective for a period of one year from the date approved.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in accordance with the terms and conditions set forth by the City and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use, as well as the insurance certificates referenced in subsection 2 of this section.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Revocation of License. The City may revoke any license issued under this section for violation of the terms and conditions of said license as set forth by the City.

8. 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.

9. Grading or Excavation Excepted. No license or 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 LANDFILL FEE.** Each property located within the City shall pay a monthly landfill fee to the Clerk at the City Hall at the same time payment for City water and wastewater service is made, in an amount as determined herein:

1. A monthly sum of \$0.75, if such property is habitually and usually occupied and used as a single family residential unit.

2. A monthly sum of \$1.50, if such property is a government entity, a retail or commercial business and/or is habitually and usually occupied and used as multi-family residential units with

four (4) or less units; unless such charges are paid by the tenants of multi-family units directly, in which event such fee shall be \$0.75 for each unit.

3. A monthly sum of \$3.00, if such property is an industrial or manufacturing business and/or is habitually and usually occupied and used as multi-family residential units with five (5) or more units and/or any hospital, nursing home, extended care facility, motel or hotel; unless such charges are paid by the tenants of multi-family units directly, in which event such fee shall be \$0.75 for each unit.

**106.09 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for landfill fees. 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[1])*