

TITLE III - PUBLIC SERVICES
SANITARY SEWERS

CHAPTER 95
GENERAL PROVISIONS

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95.01 DEFINITIONS. For use in the chapters of this Code of Ordinances pertaining to the sanitary sewer system, the following terms are defined:

1. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
2. "BOD" denotes "Biochemical Oxygen Demand" and 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.
3. "Building drain" means part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet (0.6 m) outside the building wall. *(Ord. 804-Oct. 00 Supp.)*
4. "Building sewer" means part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
(Ord. 804-Oct. 00 Supp.)
5. "Combined sewer" means a public sewer to be used as both a sanitary sewer and a storm sewer.
6. "Commercial user" means any user of the Water Pollution Control Facilities where business or commercial trade is conducted and not classified as an industrial user.
7. "Effluent criteria" are defined in any applicable NPDES Permit.
8. "Executive Director" means the Executive Director of the Iowa Department of Natural Resources or the Chairperson of the Iowa Environmental Protection Commission.

9. "Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

10. "Federal grant" means the U.S. Government participation in the financing of the construction of treatment works as provided for by Title II, Grants for Construction of Treatment Works, of the Act and implementing regulations.

11. "Garbage" means solid animal and vegetable wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce. (See "Properly shredded garbage.")

12. "Industrial user" means any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1971, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A – Agriculture, Forestry and Fishing

Division B – Mining

Division D – Manufacturing

Division E – Transportation, Communications, Electric, Gas and
Sanitary Services

Division I – Services

and any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

13. "Industrial waste" or "process waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary wastes.

14. "Milligrams per Liter" means a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,001 ml of water.

15. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

16. "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriate, by the Executive Director to regulate the discharge of pollutants pursuant to the applicable sections of the Federal or State Act.

17. "O & M" means the annual costs for operation and maintenance and includes replacement costs.

18. "pH" means the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods."

19. "Pretreatment" means the treatment of wastewaters from sources before introduction into the public sewer.

20. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch (1.27 centimeters) in any dimension.

21. "Public Sewer" means a sewer owned by and subject to the jurisdiction of the City. It also includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sewer system, even though these sewers may not have been constructed with City funds.

22. "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the Water Pollution Control Plant to maintain the capacity and performance for which such plant was designed and constructed.

23. "Residential User" means any user of the Water Pollution Control Facilities where permanent residency is established and only sanitary wastes are discharged.

24. "SS" denotes "Suspended Solids" and means solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."
25. "Sampling Manhole" means a structure located on a building lateral for the purpose of providing access to sample or measure wastewater discharges.
26. "Sanitary Sewer" means a public sewer that conveys wastewater, and into which storm, surface, ground, and unpolluted waters are not intentionally admitted.
27. "Sanitary Wastes" means any solid, liquid or gaseous substance discharged from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.
28. "Sewage" is used interchangeably with "wastewater."
29. "Sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground-water drainage.
30. "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 15-minute interval more than three times the average twenty-four (24) hour concentration of flows during normal operation and/or may adversely affect the collection system or performance of the wastewater treatment facilities.
31. "Standard Methods" means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
32. "State Act" means Chapter 455B of the Code of Iowa as the same now exists or may hereafter be amended.
33. "Storm Sewer" means a public sewer that carries storm, surface and groundwater drainage but excludes wastewater other than unpolluted water.

34. "Superintendent" means the Water Pollution Control Superintendent of the City.

35. "TKN" denotes "Total Kjeldahl Nitrogen," the concentration of ammonia and organic nitrogen expressed in milligrams per liter.

36. "Unpolluted Water" means water of quality equal or better than the applicable effluent criteria in effect under the State or Federal Act or water that would not cause violation of receiving water quality standards under the applicable act and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

37. "Useful Life" means the estimated period during which the Water Pollution Control Facilities will be operated and shall be 30 years from the date of startup of any water pollution control facilities constructed with a Federal grant.

38. "Wastewater" means the spent water of a community. It may be liquid or a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

39. "Wastewater Service Charge" means the charge per quarter or month levied on all users of the Water Pollution Control Facilities.

40. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

41. "Water Pollution Control Facilities" or "Wastewater System" means the publicly owned structures, equipment, and processes required to collect, convey, and treat wastewaters.

42. "Water Pollution Control Plant" means a publicly owned arrangement of devices and structures for treating wastewater. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant."

43. "Water Quality Standards" are defined in the Iowa Department Rules.

95.02 SEWER AUTHORITY. The Sewer System shall be under the control of the Council, with a committee from the Council appointed by the Mayor subject to the approval of the Council to report on matters pertaining to sewers.

95.03 POWERS AND AUTHORITY FOR INSPECTION.

1. Access to Private Property. The City or its duly authorized employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing with regard to wastewater in accordance with the provisions of this Code of Ordinances. The City or its 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 public sewers, natural outlets or Water Pollution Control Facilities.

2. Duty of Care. While performing the necessary work on private properties referred to in subsection 1 above, the City or its duly authorized employees shall observe all safety rules applicable to the premises established by the company.

3. Easement Access. The City or its duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose 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 easement.

4. Indemnity. While performing the necessary work on private properties referred to in herein, the City or its duly authorized employees shall observe all safety rules applicable to the premises established by the person and the person shall be held harmless for injury or death to the City employees, and the City shall indemnify the person against loss or damage to property by City employees and against liability claims and demands for personal injury or property damage asserted against said person and growing out of the observation, measurement and sampling operation, except as such may be caused by negligence or failure of the person to maintain safe conditions as required herein.

95.04 NOTICE TO CORRECT. Any person found to be violating any provisions of these sanitary sewer chapters 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. Such notice may be given by certified mail

or by personal service. If given by certified mail, the notice shall be deemed given when mailed. The offender shall, within the period of time stated in such notice, permanently cease all violations specified therein.

95.05 REMEDIES. Any person who shall violate any provisions of these sanitary sewer chapters shall be guilty of a municipal infraction, and each day in which such violation shall continue shall be deemed a separate offense. Any person violating any such provisions shall also be liable to the City for any damage, loss, cost or expense occasioned by reason of such violation. A violation of any such provisions shall be deemed to be a nuisance and the City Council, after reasonable notice and opportunity for hearing, may:

(Ord. 899 – Jul. 04 Supp.)

1. Order necessary measures to correct and abate such violation and the City Coordinator is authorized to enter on private property to do so.
2. Order the service to the premises involved discontinued and authorize the Superintendent to disconnect any tapping or connections made to the wastewater system of the City. In the event a violation creates an immediate hazard to the wastewater facilities or to the operation thereof, or to the health and safety of any person or to the preservation and protection of any property or may prevent meeting the conditions of the NPDES permit, the City Coordinator is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations and may enter on private property to do so.
3. The cost of any measures to return any sewer or structure to its condition prior to the corrective acts of the City Coordinator shall be borne by the person seeking to discharge to the sanitary sewer. Any damages to public or private property and damages, whether direct or indirect due to the loss or production, shall be borne by the person whose discharge was alleged to have created an immediate hazard, and subsequent corrective action.

The cost of any corrective measures required or permitted under the provisions of this section shall be a lien on the property served by the wastewater facilities in connection with which such violation has occurred and shall be levied and collected by the City Council as ordinary taxes. In addition to any other remedies provided for, the City may bring suit to collect any sums due it, including user charges, from the person or persons incurring the liability for the payment of such charges.

95.06 APPEALS. If the findings, order, or decision of the City made in pursuance of the provisions of this chapter are not acceptable to any person, such person shall have the right to appeal as follows. Two Professional Engineers shall be chosen, one by the industry and the other by the City, neither of whom shall be a regular employee of either party. Such persons shall act as consultants. As soon as such consultants are chosen, the City shall file with them a copy of the complaint and the decision of the City Coordinator and it shall be the duty of such consultants to investigate the complaint and to agree either to affirm or reject the findings of the City Coordinator and file a report with the City within a reasonable time, setting down their decision. If the consultants so chosen are unable to agree, they shall choose a third Professional Engineer, and the decision or recommendation of the majority shall be reported to the Council. Upon consideration of the report the Council will make a final decision which shall be reported to the persons and the City Coordinator. The fees and expenses of the consultant appointed by the person shall be paid by the person and the fees and expenses of the consultant appointed by the City shall be paid by the City. The fees and expenses of the third consultant shall be equally divided between the person and the City.

95.07 DAMAGING SEWER SYSTEM. No unauthorized person shall 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.

95.08 TREATMENT REQUIRED. It shall be unlawful to 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 sanitary sewer chapters.

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

95.09 COMPULSORY CONNECTION TO PUBLIC SEWER. 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 sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these sanitary sewer chapters, such compliance to be completed within thirty (30) days after date of official notice from the City to do so, provided that said public sanitary 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.

(Code of Iowa, Sec. 364.12 [3f]; IAC, 567-69.3 [3])

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