

## **Title 13 WATER AND SEWERS**

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### **Chapter 13.04 WATERWORKS RATES AND REGULATIONS\***

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#### **13.04.010 Chapter applicability.**

The rules and regulations and the rates hereinafter named and fixed shall be binding upon every person, firm or corporation supplied with water through the waterworks plant of the city of Fort Dodge and shall be binding upon all persons doing any work in connection with such waterworks plant and system of the city, including plumbers, and all water consumers.

(Ord. 1390 § 1, 1974).

#### **13.04.020 Water rates.**

The following rates shall be charged and collected from all customers of city water in and outside the city limits of the City of Fort Dodge, Iowa:

- A. From and after the 1<sup>st</sup> day of July 2014

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(1) Inside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of twelve dollars and twenty-one cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 12.21
The next 18,000 gallons	\$ 3.62 per 1,000 gallons
The next 210,000 gallons	\$ 2.69 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.16 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.44 per 1,000 gallons
The next 8,700,000 gallons	\$ 1.06 per 1,000 gallons

(2) Outside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of thirty-six dollars and sixty-four cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 36.64
The next 6,000 gallons	\$ 6.13 per 1,000 gallons
The next 12,000 gallons	\$ 4.72 per 1,000 gallons
The next 210,000 gallons	\$ 3.49 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.81 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.87 per 1,000 gallons
All over 8,700,000 gallons	\$ 1.06 per 1,000 gallons

B. From and after the 1<sup>st</sup> day of July, 2015

(1) Inside city limits—Monthly consumption:

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Consumers using less than two thousand gallons, a charge of twelve dollars and forty cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 12.40
The next 18,000 gallons	\$ 3.68 per 1,000 gallons
The next 210,000 gallons	\$ 2.73 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.19 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.46 per 1,000 gallons
The next 8,700,000 gallons	\$ 1.07 per 1,000 gallons

(2) Outside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of thirty-seven dollars and nineteen cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 37.19
The next 6,000 gallons	\$ 6.22 per 1,000 gallons
The next 12,000 gallons	\$ 4.79 per 1,000 gallons
The next 210,000 gallons	\$ 3.54 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.85 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.90 per 1,000 gallons
All over 8,700,000 gallons	\$ 1.07 per 1,000 gallons

C. From and after the 1<sup>st</sup> day of July, 2016

(1) Inside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of twelve dollars and fifty-eight cents shall be made, and this shall be the minimum.

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First 2,000 gallons	\$ 12.58
The next 18,000 gallons	\$ 3.73 per 1,000 gallons
The next 210,000 gallons	\$ 2.77 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.23 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.48 per 1,000 gallons
The next 8,700,000 gallons	\$ 1.09 per 1,000 gallons

(2) Outside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of thirty-seven dollars and seventy-five cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 37.75
The next 6,000 gallons	\$ 6.32 per 1,000 gallons
The next 12,000 gallons	\$ 4.86 per 1,000 gallons
The next 210,000 gallons	\$ 3.60 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.89 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.93 per 1,000 gallons
All over 8,700,000 gallons	\$ 1.09 per 1,000 gallons

D. From and after the 1<sup>st</sup> day of July, 2017

(1) Inside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of twelve dollars and seventy-seven cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 12.77
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The next 18,000 gallons	\$ 3.79 per 1,000 gallons
The next 210,000 gallons	\$ 2.81 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.26 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.51 per 1,000 gallons
The next 8,700,000 gallons	\$ 1.10 per 1,000 gallons

(2) Outside city limits—Monthly consumption:

Consumers using less than two thousand gallons, a charge of thirty-eight dollars and thirty-two cents shall be made, and this shall be the minimum.

First 2,000 gallons	\$ 38.32
The next 6,000 gallons	\$ 6.41 per 1,000 gallons
The next 12,000 gallons	\$ 4.93 per 1,000 gallons
The next 210,000 gallons	\$ 3.65 per 1,000 gallons
The next 6,470,000 gallons	\$ 2.94 per 1,000 gallons
The next 2,000,000 gallons	\$ 1.96 per 1,000 gallons
All over 8,700,000 gallons	\$ 1.10 per 1,000 gallons

(3) All service larger than three-quarter-inch, where private supply is maintained, and the city supply is held as a standby, a charge for such standby service will be negotiated by the city engineer.

(Ord. 2024 § 2, 2004: Ord. 1990 § 2, 2002: Ord. 1725 § 2, 1988).

(Ord. No. 2090, § II, 5-19-08; Ord. No. 2134, § II, 2-28-11; Ord. No. 2211, § II, 6-9-14)

**13.04.030 Payment of bills—Delinquency—Turn-on charge.**

- (a) All bills due for the use of water shall be payable at the office of the municipal water department upon receipt of the bill. All the bills shall become delinquent after the twentieth day following the issuance of such bill and service may be discontinued on such account if the default in payment is not cured by payment of the bill in full within ten days of the delinquency.
- (b) Upon the occurrence of delinquency the municipal water department shall notify the consumer in writing of such delinquency, discontinuance of service and of their right to appeal such default to the city council of the city of Fort Dodge, Iowa, within the time frames provided in this section.
- (c) A reasonable reconnection charge as established by department of utilities regulation subject to council approval will be added to the delinquent bill. All past-due amounts and reconnection charges must be paid prior to the reconnection of the water service.

(Ord. 1551 § 2, 1980).

**13.04.040 Deposits.**

- (a) All water customers applying for service to a property not owned by them shall be required to make a deposit as hereinafter provided unless the owner of the property executes a guarantee agreement wherein the owner agrees to pay promptly all municipal utility charges for service to the property.
- (b) A utility deposit sum for domestic customers shall be adopted annually by department of utility regulation in an amount equal to the average quarterly charge for all domestic users for the previous twelve months, subject to council approval.
- (c) Utility deposit sums for commercial and industrial customers shall be established by the utility's manager for each such customer requiring such a deposit as hereinafter required. The establishment of the deposit shall be based upon the nature of the commercial or industrial use and the anticipated consumption rate therefor. This deposit shall be reviewed annually and may be increased or decreased as dictated by the previous twelve months' consumption rate. Any such customer objecting to the deposit sum so established may appeal the establishment thereof to the city council for review within ten days of the establishment thereof.

(Ord. 1591 § 3, 1982; Ord. 1390 § 4, 1974).

**13.04.050 Claims for water charges.**

All claims for water charges shall be claims against the owner or owners of the property where the water is consumed. In addition to discontinuing water service as outlined in Section 13.04.030 of this chapter, it shall be lawful for the city to proceed by action of law or in any other lawful manner against the owner or owners of the property to collect water charges due from the occupant of such property.

(Ord. 1390 § 5, 1974).

**13.04.060 Rules and regulations for water takers and plumbers.**

The following rules and regulations for the government of water takers and plumbers and others, are hereby adopted:

- (1) Application for water shall be made on the regular form at the water department office and no service will be given until the application has been properly filled out and either a deposit made with the water department or the application has been properly signed by the property owner

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and guarantor. Not more than one house shall be supplied by one tap except by the permission of the water department manager and where meters are placed for each house.

- (2) All bills for water must be paid promptly when due, and all city officers and officers of the waterworks department are prohibited from allowing credit to anyone.
- (3) All rules and regulations relating to water takers, applicants and consumers shall be understood and construed to mean the owners of the property onto which water is conducted from the city water main except where deposit is made to cover water bill only.
- (4) Alterations in any water pipe on inlet side of meter shall not be made without giving notice to and obtaining permission from the water department manager or other authorized agent, and no plumber or other persons shall tap any water main or connect any service pipe therewith or turn on or shut off the city water from any pipe or hydrant, where the stopcock is not located on their own premises, except those duly authorized to do so by the water department manager.
- (5) No person shall take or carry away water from any hydrant, or public fountain without permission from said manager or department.
- (6) The manager of waterworks or his duly authorized agent shall have the right to enter upon the premises of any consumer of water for the purpose of examining the pipes and fixtures and prohibiting waste, and in the event that any consumer permits waste of water or fails to use the water in a proper manner, the supply may be shut off without further notice.
- (7) All persons taking water must provide a stop and waste cock properly located inside their building and have the pipes so arranged that the water can be drawn from them in case of danger from frost, and must keep their water pipes and fixtures connected therewith in good repair and protected from frost.
- (8) The city reserves the right to shut off the water at any time for the purpose of making repairs to the mains, pumps, or any fixtures connected with the waterworks system, or for any other purpose that may be deemed necessary and no claim shall be made against the city for any damages arising from so shutting off the water.
- (9) Taps on the water distribution system shall normally be made by the city water department. No person, other than the city water department personnel, except tappers having a special permit from the water department manager will be permitted under any circumstances to tap the distribution pipe or insert corporation cocks therein and the kind and size of the connections with the mains shall be specified in the permit or order.

All tapping permit fees shall be obtained for any service connection made to the distribution system. A service repair permit shall be obtained for any repair to any size service connection. All tapping permit fees shall be established by the public works director annually for each such service required subject to council approval.

- (10) Pipes must be tapped on or near the side and not in any case at or within six inches of the hub. All service pipe must be laid as deep under the surface of the ground as the main pipe is in the street and in all cases protected so as to prevent rupture by freezing. Every service pipe must be provided with a stop and waste cock for each consumer, easily accessible and so situated that the water can be shut off and drained from the pipe. Plumbers and consumers must in all cases restore the street and alleys, when making connections with the mains, to as good conditions as before making the excavations, said excavations to be filled in as provided by the ordinances of the city. All service pipes shall be of a size sufficient to give adequate service to the property supplied and shall be of material known as cast iron, Type K copper, brass or approved plastic from the city water main to the meter and all service pipes shall comply with the standard specifications for the various materials and of weight sufficient to withstand one hundred twenty-five pounds working pressure. Each service pipe shall include an inverted key stopcock located not more than six feet from the property line on the street side. Stopcock shall be Mueller or equal and acceptable to the water department manager. On each stopcock shall be placed an arch or Minneapolis pattern extension stop box with extensive rod keyed to stopcock permitting the use of short key. The water department reserves the right to make

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changes in the type and kinds of service material if in the opinion of the manager of the water department improvements are developed in these various materials and also in the location if future developments demand such changes.

- (11) Except for the legitimate purpose of extinguishing fires no person shall open any fire hydrant or stopcock connected with the fire service without consent of the water department manager.
- (12) When two or more persons or houses are supplied from one tap, the service pipe must be so arranged as to have the stop or shut off cock for each house so that meters can be placed for each house and so that one may be shut off without interfering with the other.
- (13) Any plumber wishing to do business in connection with the water department must be authorized to engage in the plumbing business in the city of Fort Dodge according to the city ordinances and must comply in all respects therewith.
- (14) No persons shall leave any excavation made in any street, avenue or alley, open without properly barricading the same and maintaining during the night warning lights thereat, and also placing barricades around or warning lights at any earth, planks, stone or paving material, in such manner as to fully protect the same and the excavation made and such person shall be liable for any damages that may occur because of any failure to so guard and protect such excavation or material.
- (15) No hydrant except public drinking hydrants shall be permitted within the limits of any street, unless the same is securely closed and protected against general use, and no drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply.
- (16) If proprietors of lumber yards, halls, stores, elevators, hotels or other buildings wish to lay extra large pipes or install any system of fire protection employing and using city water, they may be permitted to do so by the city council under such rules and regulations as the council may adopt, but in no case shall such permission be given where it will interfere with the general use of the waterworks plant or endanger the operation of said plant.
- (17) Any plumber authorized to do plumbing work in the city of Fort Dodge who shall be guilty of a violation of any of the rules or regulations adopted by the city council for the protection of the waterworks plant shall forfeit his right and license as a plumber in said city. Such forfeiture shall operate as a suspension of the license held by any copartner of such plumber or person in his or their employ.
- (18) Applicants for water will be charged from the water main for all service pipe and trenching without regard to the location of the main.
- (19) The manager of the water department shall, in addition to such other duties as may be by ordinance provided, superintend the operation of the water department of the city; see that the machinery of the water department is kept in good repair and efficient order; exercise supervision over water consumers; make connections or authorize connections to be made with the water mains upon application; and prevent the violation of any city ordinance regulating the use and maintenance of the waterworks plant and water supply of the city and cause such repairs to be made as may be necessary to keep the plant in perfect working order and perform such other duties pertaining to his office as shall be required by the city council.
- (20) Water meters shall be so placed as to measure all water passed through the taps and fixtures or service pipe furnishing the water, all water meters shall be read quarterly and any water meter found stopped or in any way out of repair shall be repaired and started and the expense, in the case of natural wear shall be borne by the city of Fort Dodge, except as provided in paragraph (22), but in the case of freezing, overheating or any other damage other than natural wear and tear, the expense shall be borne by the property owner. For any period in which the meter has been found stopped, the reading for such period shall be considered to be an average for the same period of preceding years.



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- (21) In all cases the shut-off shall be free from obstructions and readily accessible and secured from frost, and the city water shall not be turned on for use in any building until the shut-off and meter are so placed and secured.
- (22) All water meters one inch in size and smaller shall be furnished by the city of Fort Dodge at no cost to the consumer. Meters larger than one inch in size and all meters on services to consumers outside the city limits of Fort Dodge and meters for credit on sewage disposal or for any purposes on the consumer's side of the city water meter shall be paid for by the consumer, and provided further that the cost of a one-inch meter shall be credited against the cost of meters larger than one inch in arriving at the charge to be made for larger meters on services within the city limits of the city of Fort Dodge. All one-inch and smaller water meters that are furnished by the city of Fort Dodge will be maintained by the city of Fort Dodge, all other meters shall be maintained by the consumer. All replacements of one-inch and smaller meters furnished by the city of Fort Dodge, except replacements caused by freezing, scalding or other unnatural causes, shall be provided by the city of Fort Dodge at no cost to the consumer, except replacements of meters larger than one inch in size and meters used by the consumers's side of the city meter, which replacement shall be paid for by the consumer. In no case shall water be furnished to any consumer except through a meter. All meters furnished or replaced by the city of Fort Dodge shall remain the property of the city of Fort Dodge. On or before the 30th day of June 1998, every residential and commercial water customer (with two-inch diameter meter or smaller) must have an outside remote (ECR) attached to their water meter. The water department personnel will schedule and install all remote meters. A charge of twenty dollars (Iowa Sales Tax included) will be added to the customer's water bill to cover the cost of the remote meter for those customers not having an outside read. For those customers that already have a generating type remote (GTR), a charge of five dollars (Iowa Sales Tax Included) will be added to the customer's water bill to cover the difference in cost between a ECR and a GTR. Said charge will be billed the month following installation. The water department shall establish a geographically equitable schedule of installation and perform the installation of all meters.

For the purpose of billing ECR installation, if the customer is not the owner, the ECR charge shall be billed to the owner, the above deposit provisions notwithstanding.

(Ord. 1867 § 2 (part), 1994; Ord. 1827 § 2, 1992; Ord. 1390 § 6, 1974).

### **Chapter 13.08 SEWER CONSTRUCTION\***

Sections:

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[13.08.020 Assessment to defray costs.](#)

[13.08.030 Resolution and publication.](#)

[13.08.040 Restricting assessment.](#)

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[13.08.120 License and bond for sewer builder.](#)

**13.08.010 Powers of city council to order construction.**

The city council of Fort Dodge shall have power, proceeding in the manner as provided by the laws of the state of Iowa, to order by resolution the construction, reconstruction and repair of stormwater or sanitary sewers in any street, highway, avenue, alley, public ground or market place within the limit of the city together with all necessary manholes, lampholes, flush tanks, catch basins and other fixtures and apparatus usual and necessary for the construction, maintenance and use of such improvement; but the construction or reconstruction of any sewer shall not be ordered made until two-thirds of all members of the council shall by vote assent thereto, unless the same shall be petitioned for by the owners of a majority of the linear front feet of the property abutting on such sewer, and a majority of the owners of adjacent property benefited thereby and liable to assessment therefor, but a majority of the council may provide for their repair.

(Ord. 518 § 2).

**13.08.020 Assessment to defray costs.**

In the construction of sewers in said city and the assessment of the cost thereof against the abutting and adjacent property, all lots and lands or parcels thereof located within 150 feet of any street, avenue or alley on which a sewer is constructed, and not separated therefrom by any street, highway, avenue or alley, shall be deemed adjacent property and chargeable and assessable, under the provisions of the laws of the State of Iowa, with special taxes and assessment to defray the cost of constructing or reconstructing such sewer.

(Ord. 518 § 3).

**13.08.030 Resolution and publication.**

The City Council shall, in the matter of ordering the construction of any sewer, sanitary or storm water, and in the construction thereof and the assessment of the cost of said improvements against the abutting and adjacent property proceed according to the provisions of the laws of the State of Iowa, and before ordering the construction of such improvement it shall in a proposed resolution declare the necessity and advisability thereof, the kind or kinds and size of said sewer or sewers and what adjacent property is proposed to be assessed therefor and designate the location and terminal points thereof and cause notice of the time when said resolution will be considered by it for passage to be given by four publications in some newspaper of general circulation published in the city of Fort Dodge, the last of which publication shall be not less than two nor more than four weeks prior to the time fixed for its consideration, at which time the owners of the property subject to assessment for the same may appear and make objection to the contemplated sewer and the passage of the proposed resolution and at which hearing said resolution may be amended and passed or passed as proposed.

(Ord. 518 § 4).

**13.08.040 Restricting assessment.**

The cost or any part thereof of making or re-constructing sewers including the cost at the intersection of streets, highways, avenues and alleys and one-half the cost of the same at spaces opposite streets, highways, avenues and alleys intersecting, but not crossing, and at spaces opposite property owned by

the city or the United States, shall be assessed against the property abutting on such sewer and against adjacent property, and against railroads and street railways benefited thereby in the manner as by law provided, but in no case shall the cost so assessed exceed \$3.00 per linear foot of sewer, and such assessment shall be made in proportion to the special benefits conferred upon the property thereby and not in excess of such benefits, and such assessment shall not exceed 25 per centum of the actual value of the lot or tract of land at the time of the levy, and the last preceding assessment roll shall be taken as prima facie evidence of such value.

(Ord. 518 § 5).

#### **13.08.050 Paying deficiency.**

If the special assessment which may be levied against any lot or tract of land shall be insufficient to pay the cost of said improvement the deficiency shall be paid as provided by the laws of the State of Iowa.

(Ord. 518 § 6).

#### **13.08.060 Sewer certificates.**

Sewer certificates payable to bearer or to the contractor who has constructed any sewer, or completed part thereof, shall be issued by the city in payment or part payment therefor each of which certificates shall state the amount of one or more assessments, or a part thereof, made against the property designating it, including railways and street railways, and the owners thereof liable to assessment for the cost of the same. Such certificates shall transfer to the bearer, contractor or assigns all the right and interest of the city in every such assessment or part thereof described therein, and shall authorize such bearer, contractor, or assigns to collect and receive every assessment embraced in such certificate, by or through any of the methods provided by law for their collection, as the same mature. Said certificates shall bear interest at a rate not exceeding 6 per cent, per annum, payable annually and may be paid by the tax payer to the county treasurer who shall receipt for the same and cause the amount to be applied to the payment of the certificate issued thereof. No certificate shall be issued or negotiated by the city for less than its par value with accrued interest up to the date of the delivery or transfer thereof. In the matter of issuing such certificates the council shall proceed in all respects as authorized by the law of the State of Iowa.

(Ord. 518 § 7).

#### **13.08.070 Authorization of city council.**

The purpose and intention of this chapter is to authorize the City Council of the city of Fort Dodge to proceed in the making of the improvements herein named and in assessing the cost thereof, and in issuing certificates in payment or part payment thereof, or for any completed part thereof, as provided and authorized by the laws of the State of Iowa.

(Ord. 518 § 8).

#### **13.08.080 Superintendent of sewers.**

The maintenance and use of sewers shall be under the supervision of the superintendent of sewers of the city and it shall be his duty to inspect the same from time to time and when cleaning, flushing, or

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any repairs are necessary it shall be his duty to employ some suitable person to make such repairs and he shall report the same and the cost thereof to the City Council.

(Ord. 518 § 9).

### **13.08.090 Specifications for construction.**

All sewers shall be constructed according to specifications therefor prepared by the engineer and approved by the City Council and filed in the office of the city clerk and of the city engineer of the City of Fort Dodge, Iowa.

(Ord. 518 § 10).

### **13.08.100 Connecting to public sewer.**

A property owner who desires to connect his property with a public sewer shall make application to the city clerk which application shall be recorded in a book kept for that purpose, and the city clerk shall issue permit for tapping such sewer, provided however that the permit shall be granted only to some licensed plumber and upon condition that the owner of the property for whose benefit such connection is to be made, shall hold harmless the city from any loss or damage that may in any way result from or be occasioned by such connection and further that the owner and occupant of such property will not permit any improper material to be thrown into the openings or inlets such as grease, rags, shavings, sweepings, or kitchen refuse of any kind, and will at all times keep the inlets or openings properly protected with gratings, catch basins and traps of such description and kind as shall be approved by the superintendent of sewers or other persons appointed by the City Council to have supervision and care thereof, and that such property owner and persons in possession of such property shall comply with all rules and regulations that the City Council may from time to time adopt.

(Ord. 518 § 11).

### **13.08.110 Violating rules of construction.**

It shall be the duty of any person or persons constructing any private drain, sewer, cesspool or water closet pipe, or any other pipe connecting with or emptying into the city sewers, to employ some competent person or persons to construct the same, and they shall be constructed in accordance with the rules which may be laid down by the City Council. Any person who shall construct any drain or sewer or use the same in a different manner from that provided in the rules and regulations which may be adopted by the City Council, or in violation of the orders of the officer having supervision of said sewer or sewers, shall be subjected to a fine of not more than one hundred dollars, which may be recoverable against any person or persons constructing or using said sewer or their employees.

(Ord. 518 § 12).

### **13.08.120 License and bond for sewer builder.**

The City Council may grant license to such persons as they deem qualified to lay, alter, or repair house drains, catch basins, stench traps, strainers, cesspools, water closets, or any other fixtures to be connected with the city sewer, and said licensed sewer builder shall give a good and sufficient bond in the penal sum of two thousand dollars for the faithful and proper performance of his duties.

(Ord. 518 § 13).

## **Chapter 13.12 SEWAGE DISPOSAL RATES AND REGULATIONS <sup>11</sup>**

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### **13.12.010 Purpose.**

The purpose of this chapter is to collect from all users of the city sewer system the cost in whole or in part of constructing, maintaining and operating the main sewers and sewage treatment plant in proportion to the service provided to each user.

(Ord. 1933 § 1, 1999).

(Ord. No. 2089, § 1, 5-19-08; Ord. No. 2161, § 1, 6-11-12)

### **13.12.020 Sewer system defined.**

For use within this chapter a "sewer system" is composed of main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels, and sewer connections in public streets for private property.

(Ord. 1933 § 2, 1999).

(Ord. No. 2089, § 2, 5-19-08; Ord. No. 2161, § 2, 6-11-12)

### **13.12.030 Who shall pay rent.**

Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the city sewer system shall pay rent to the city at the rate and in the manner provided in Sections 13.12.040, 13.12.060, and 13.12.090.

(Ord. 1933 § 3, 1999).

(Ord. No. 2089, § 3, 5-19-08; Ord. No. 2161, § 3, 6-11-12)

**13.12.040 Rate of rent.**

The rate of rent shall be as follows:

A. From and after the first day of July 2012.

1. Domestic user. Any user whose average waste contribution is less than sixty thousand gallons per month and BOD of less than two hundred fifty mgL, and suspended solids less than two hundred fifty mgL, and oil and grease less than one hundred mgL, and ammonia less than twenty mgL, and whose discharge contains no waste referred to in Section 19 of Ordinance No. 1863 of the Ordinances of the City of Fort Dodge, is classified as a domestic user, and their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fourteen dollars and forty-six cents minimum bill.

All over three thousand gallons, two dollars and eighty cents per one thousand gallons.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty dollars and forty-nine cents minimum bill.

All over three thousand gallons, three dollars and ninety-one cents per one thousand gallons.

2. Class I (wet and dry) industry. Any user whose average contribution exceeds sixty thousand gallons per month, or contains more than two hundred fifty mgL of BOD, and/or contains more than two hundred fifty mgL. of suspended solids, and/or more than one hundred mgL. of oil and grease, and/or more than twenty mgL of ammonia is classified as a Class I (wet and dry) industry, or discharges waste referred to in Section 19 of Ordinance No. 1863 their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fourteen dollars and forty-six cents minimum bill.

All over three thousand gallons, two dollars and eighty cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.31/lb if over 250 mg/L
SS	\$0.31/lb if over 250 mg/L
OIL/GREASE	\$1.06/lb if over 100 mg/L
AMMONIA	\$1.93/lb if over 20 mg/L

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Based on monthly average's as tested by the city or their representatives.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty dollars and forty-nine cents minimum bill.

All over three thousand gallons, three dollars and ninety-one cents per thousand gallons plus surcharge for over the normal domestic waste as follows:

BOD	\$0.43/lb if over 250 mg/L
SS	\$0.43/lb if over 250 mg/L
OIL/GREASE	\$1.48/lb if over 100 mg/L
AMMONIA	\$2.71/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

B. From and after the first day of July 2013:

1. Domestic user. Any user whose average waste contribution is less than sixty thousand gallons per month and BOD of less than two hundred fifty mgL, and suspended solids less than two hundred fifty mgL, and oil and grease less than one hundred mgL and ammonia less than twenty mgL, and whose discharge contains no waste referred to in Section 19 of Ordinance No. 1863 of the Ordinances of the City of Fort Dodge, is classified as a domestic user, and their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons fourteen dollars and ninety cents minimum bill.

All over three thousand gallons, two dollars and eighty-nine cents per one thousand gallons.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-one dollars and seventy cents minimum bill.

All over three thousand gallons, four dollars and three cents per one thousand gallons.

2. Class I (wet and dry) industry. Any user whose average contribution exceeds sixty thousand gallons per month, or contains more than two hundred fifty mgL of BOD, and/or contains more than two hundred fifty mgL of suspended solids, and/or more than one hundred mgL of oil and grease, and/or more than twenty mgL of ammonia, is classified as a Class I (wet and dry) industry, or discharges waste referred to in Section 19 of Ordinance No. 1863, their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons fourteen dollars and ninety cents minimum bill.

All over three thousand gallons, two dollars and eighty-nine cents per thousand gallons plus.

Surcharge for use over normal domestic waste as follows:

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BOD	\$0.32/lb if over 250 mg/L
SS	\$0.32/lb if over 250 mg/L
OIL/GREASE	\$1.09/lb if over 100 mg/L
AMMONIA	\$1.98/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-one dollars and seventy cents minimum bill.

All over three thousand gallons, four dollars and three cents per 1,000 gallons, plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.45/lb if over 250 mg/L
SS	\$0.45/lb if over 250 mg/L
OIL/GREASE	\$1.53/lb if over 100 mg/L
AMMONIA	\$2.79/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

C. From and after the first day of July, 2014:

1. Domestic user. Any user whose average waste contribution is less than sixty thousand gallons per month and BOD of less than two hundred fifty mgL, and suspended solids less than two hundred fifty mgL, and oil and grease less than one hundred mgL, and ammonia less than twenty mgL, and whose discharge contains no waste referred to in Section 19 of Ordinance No. 1863 of the ordinances of the City of Fort Dodge, is classified as a Domestic User, and their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fifteen dollars and thirty-four cents minimum bill.

All over three thousand gallons, two dollars and ninety-seven cents per one thousand gallons.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-two dollars and ninety-six cents minimum bill.



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All over three thousand gallons, four dollars and fifteen cents per one thousand gallons.

2. Class I (wet and dry) industry. Any user whose average contribution exceeds sixty thousand gallons per month, or contains more than two hundred fifty mgL of BOD, and/or contains more than two hundred fifty mgL of suspended solids, and/or more than one hundred mgL of oil and grease, and/or more than twenty mgL of ammonia, is classified as a Class I (wet and dry) industry, or discharges waste referred to in Section 19 of Ordinance No. 1863 their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fifteen dollars and thirty-four cents minimum bill.

All over three thousand gallons, two dollars and ninety-seven cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.33/lb if over 250 mg/L
SS	\$0.33/lb if over 250 mg/L
OIL/GREASE	\$1.13/lb if over 100 mg/L
AMMONIA	\$2.04/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-two dollars and ninety-six cents minimum bill.

All over three thousand gallons, four dollars and fifteen cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.46/lb if over 250 mg/L
SS	\$0.46/lb if over 250 mg/L
OIL/GREASE	\$1.57/lb if over 100 mg/L
AMMONIA	\$2.87/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

D. From and after the first day of July, 2015:

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1. Domestic user. Any user whose average waste contribution is less than sixty thousand gallons per month and BOD of less than two hundred fifty mg/L, and suspended solids less than two hundred fifty mg/L, and oil and grease less than one hundred mg/L, and ammonia less than twenty mg/L, and whose discharge contains no waste referred to in Section 19 of Ordinance No. 1863 of the ordinances of the City of Fort Dodge, is classified as a domestic user, and their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fifteen dollars and eighty cents minimum bill.

All over three thousand gallons, three dollars and six cents per one thousand gallons.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-four dollars and twenty-four cents minimum bill.

All over three thousand gallons, four dollars and twenty-eight cents per one thousand gallons.

2. Class I (wet and dry) industry. Any user whose average contribution exceeds sixty thousand gallons per month, or contains more than two hundred fifty mg/L of BOD, and/or contains more than two hundred fifty mg/L of suspended solids, and/or more than one hundred mg/L of oil and grease, and/or more than twenty mg/L of ammonia, is classified as a Class I (wet and dry) industry, or discharges waste referred to in Section 19 of Ordinance No. 1863 their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, fifteen dollars and eighty cents minimum bill.

All over three thousand gallons, three dollars and six cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.34/lb if over 250 mg/L
SS	\$0.34/lb if over 250 mg/L
OIL/GREASE	\$1.16/lb if over 100 mg/L
AMMONIA	\$2.10/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-four dollars and twenty-four cents minimum bill.

All over three thousand gallons, four dollars and twenty-eight cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.47/lb if over 250 mg/L
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SS	\$0.47/lb if over 250 mg/L
OIL/GREASE	\$1.62/lb if over 100 mg/L
AMMONIA	\$2.96/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

E. From and after the first day of July, 2016:

1. Domestic user. Any user whose average waste contribution is less than sixty thousand gallons per month and BOD of less than two hundred fifty mgL, and suspended solids less than two hundred fifty mgL, and oil and grease less than one hundred mgL, and ammonia less than twenty mgL, and whose discharge contains no waste referred to in Section 19 of Ordinance No. 1863 of the ordinances of the City of Fort Dodge, is classified as a domestic user, and their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, sixteen dollars and twenty-eight cents minimum bill

All over three thousand gallons, three dollars and fifteen cents per one thousand gallons.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-five dollars and fifty-seven cents minimum bill.

All over three thousand gallons, four dollars and forty-one cents per one thousand gallons.

2. Class I (wet and dry) industry. Any user whose average contribution exceeds sixty thousand gallons per month, or contains more than two hundred fifty mgL of BOD, and/or contains more than two hundred fifty mgL of suspended solids, and/or more than one hundred mgL of oil and grease, and/or more than twenty mgL of ammonia, is classified as a Class I (wet and dry) industry, or discharges waste referred to in Section 19 of Ordinance No. 1863 their rates shall be:

(a) Monthly consumption—Inside city limits:

Zero to three thousand gallons, sixteen dollars and twenty-eight cents minimum bill

All over three thousand gallons, three dollars and fifteen cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.35/lb if over 250 mg/L
SS	\$0.35/lb if over 250 mg/L
OIL/GREASE	\$1.19/lb if over 100 mg/L

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AMMONIA	\$2.17/lb if over 20 mg/L
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Based on monthly average's as tested by the city or their representatives.

(b) Monthly consumption—Outside city limits:

Zero to three thousand gallons, forty-five dollars and fifty-seven cents minimum bill.

All over three thousand gallons, four dollars and forty-one cents per thousand gallons plus surcharge for use over the normal domestic waste as follows:

BOD	\$0.49/lb if over 250 mg/L
SS	\$0.49/lb if over 250 mg/L
OIL/GREASE	\$1.67/lb if over 100 mg/L
AMMONIA	\$3.05/lb if over 20 mg/L

Based on monthly average's as tested by the city or their representatives.

(Ord. 1933 § 4, 1999).

(Ord. No. 2089, § 4, 5-19-08; Ord. No. 2161, § 4, 6-11-12)

**13.12.050 Determination and payment of rent from premises with private water systems.**

- A. Users whose premises have private water systems shall pay rent in proportion to the water used as determined by the city engineer either by an estimate agreed to by the user or by metering the water system.
- B. The city council of the City of Fort Dodge may give credit to the consumers who are discharging clear and unpolluted water into the storm sewer system or who are using considerable amounts of water for irrigation purposes (credit meter).
- C. The rates shall be the same as provided by Section 13.12.040, applied as if a city water bill were to be paid. Rent shall be paid at the same time and place as provided in Sections 13.12.060 and 13.12.090.

(Ord. 1933 § 5, 1999).

(Ord. No. 2089, § 5, 5-19-08; Ord. No. 2161, § 5, 6-11-12)

**13.12.060 Charges as separate item.**

That all charges under this sewage rental ordinance [chapter] shall be shown as a separate item on the regular water bill and are payable at the office of the water department. All collections, shut-offs, etc. shall be handled by the same organization, which handles the collection for the use of city water. All collections under this sewage rental ordinance [chapter] shall be kept in a separate account by the water department and deposited in the sewage disposal account of whatever bank designated by the city and a copy of the deposit slip turned over to the city clerk.

(Ord. 1933 § 6, 1999).

(Ord. No. 2089, § 6, 5-19-08; Ord. No. 2161, § 6, 6-11-12)

**13.12.070 Service charge determined by water meter readings.**

That the service charge, rate or rental, as provided in Section 13.12.040 hereof, shall be applied to the quantity of water used and discharged into the sewage system of said city as determined by the water meter readings of the municipal waterworks of the City of Fort Dodge, Iowa, and by such privately owned water supplies as may contribute to the sewage system; and, in the case of unmetered water supplies, the quantity of water used and discharged into the sewage system of said city shall be determined to the satisfaction of the director of public works of said city and at the expense of the owner of said unmetered water supply. If the estimated quantity of water from any unmetered water supply equal in excess of ten gallons per day, said city shall require that such water supply be metered at the expense of the owner of said water supply.

(Ord. 1933 § 7, 1999).

(Ord. No. 2089, § 7, 5-19-08; Ord. No. 2161, § 7, 6-11-12)

**13.12.080 Change and readjustment of service charges.**

That said city may change and readjust the foregoing services charges, rates, or rentals from time to time, and, in any event such service charges, rates or rentals shall be established, adjusted and maintained so as to be sufficient in each year for the payment of the proper and reasonable expense of operation, repair, replacements, and maintenance of said sewer outlet and purifying plant, and for supplanting or replacing in whole or in part the levy of taxes which shall have been heretofore or shall be hereafter authorized by resolution of the city council, of said city to meet the interest and principal of all outstanding bonds, and/or any further bond issues made to cover cost of expansion of the said sewer outlet and purifying plant, the remission and reduction of said levy of taxes to be only by the amount of sewer outlet and purifying plant revenues actually used and employed to the payment of said bond and/or interest.

(Ord. 1933 § 8, 1999).

(Ord. No. 2089, § 8, 5-19-08; Ord. No. 2161, § 8, 6-11-12)

**13.12.090 Establishment of different rate structures.**

Nothing in this chapter prohibits the city council to establish a different rate structure under the terms of a special utility services agreement.

(Ord. No. 2161, § 9, 6-11-12)

**13.12.100 Payment.**

Payment of rents and delinquency thereof shall be processed as provided for in Section 2, Ordinance 1551 (13.04030FDMC).

(Ord. 1933 § 9, 1999).

(Ord. No. 2089, § 9, 5-19-08; Ord. No. 2161, § 10, 6-11-12)

**13.12.110 Due date and payment of charges.**

- (a) All bills due for the use of sanitary sewer sewage disposal shall be payable at the office of the municipal water department upon receipt of the bill. All bills shall become delinquent twenty days following the issuance of the bill and water service may be discontinued on said account if the default in payment is not cured by payment of the bill in full within ten days of said delinquency.
- (b) Upon the occurrence of delinquency the municipal water department shall notify the consumer in writing of said delinquency, discontinuance of service and of their right to appeal said default to the city council of the city of Fort Dodge, Iowa within the time frames provided in this section.
- (c) A reasonable reconnection charge as established by department of utilities regulation subject to the council approval will be added to the delinquent water bill. All past-due amounts and reconnection charges must be paid prior to the reconnection of the water service.

(Ord. 1551 § 3, 1980).

**Editor's note**— Ord. No. 2161, § 10, adopted June 11, 2012, enacted provisions intended for codification as § 13.12.100. Hence, to avoid duplicative section numbers, the former Section 13.12.100 has been redesignated herein as § 13.12.110.

**13.12.120 Miscellaneous fees.**

(a) Industrial Pretreatment Program Operation Fees.

- (1) Separate from any fees, fines and penalties covered under other sections of this chapter, the city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's industrial pretreatment program (IPP). The fees shall be set by the director and shall be established on a yearly basis, at a minimum, and shall be established from the previous year's operating costs. The director shall be as defined by Chapter 13.24. These fees may include:
  - (A) Fees for wastewater discharge permit applications, including the cost of processing such applications;
  - (B) Fees for monitoring, inspection and surveillance procedures including, the cost of collection and analyzing an industrial user's discharge and reviewing and monitoring reports submitted by industrial users;
  - (C) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (D) Fees for filing appeals; and
  - (E) Other fees as the city may deem necessary to carry out the requirements of the program.

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(b) Laboratory Analysis for Hauled Waste or Samples Not Covered by IPP.

(1) Laboratory fees for those analyses performed by the city shall be as follows:

Test	Cost / Sample
BOD	\$25.00
TSS	\$10.00
Oil and grease	\$45.00
Nitrogen, ammonia	\$20.00

(2) Fees for analysis performed by laboratories other than the city's WPCF laboratory shall be the full cost of each analysis.

(c) Septage Receiving.

(1) A treatment fee shall be charged per pound of hauled septage waste received at the WPCF for all wastes treated at the WPCF. The fee shall be equal to the cost of disposal and treatment of an equivalent volume and mass of pollutants otherwise delivered into the WPCF. The treatment fee shall include: (1) the volume charge component, (2) a treatment surcharge component for each pollutant as found in Section 13.12.40 of this chapter, and (3) a program cost component. The program cost component shall be calculated by dividing the annual administrative costs of the waste hauler program by the total gallons of hauled waste treated in the previous calendar year. The surcharge component shall be calculated using the average concentration of pollutants found in hauled wastes delivered to the wastewater reclamation facility. The treatment surcharge and program cost components shall be reviewed and updated annually based on the most recent data collected by the operating agency.

(2) Fees shall be computed and recorded at the disposal station and shall be paid by the waste hauler on the basis of monthly billings by the operating contractor. These fees shall be established on a yearly basis, at a minimum, by the director. The director shall be as defined by Chapter 13.24.

(Ord. No. 2194, § II, 11-25-13)

**13.12.130 Community Sewer Initiative (CSI) surcharge.**

Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City sewer system shall pay CSI surcharge in the amount of five dollars per month beginning January 1, 2015, ten dollars per month beginning January 1 2016, and fifteen dollars per month beginning January 1, 2017.

(Ord. No. 2221, 12-8-14)

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FOOTNOTE(S):

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For the statutory provisions regarding charges for use of the sewers, see ICA 393.1—393.9. [\(Back\)](#)

## **Chapter 13.16 STORM SEWER DISTRICT NO. 101**

Sections:

[13.16.010 Established—Boundaries.](#)

### **13.16.010 Established—Boundaries.**

There is established and created a storm sewer district within the City of Fort Dodge, Iowa, to be known as Sanitary Storm Sewer District No. 101, boundaries of which are as follows, to wit:-

Commencing at a point on the West bank of drainage ditch in Webster County Drainage Dist, No. 1, said point being one thousand twenty five (1,025) ft. East and three hundred (300) ft. South of the center of Sec. 28-89-28 and on the centerline of the C.G.W. Ry. Co. R.O.W.; thence Northwesterly along the centerline of said C.G.W. Ry. Co. R.O.W. a distance of three thousand one hundred twenty (3,120) ft., to a point one hundred sixty (160) ft. West and two hundred forty-five (245) ft. North of the center of the N.W. ¼, Sec. 28-89-28; thence Southwesterly a distance of two hundred ninety (290) ft. to a point four hundred thirty (430) ft. west and one hundred fifty (150) ft. North of said center of the NW¼, Sec. 28-89-28, said point being on the East line of Lot 7 (a part of the NW¼, Sec. 28-89-28; thence Southwesterly a distance of two hundred thirty-five (235) ft. to the Southwest corner of said Lot 7; thence Southwesterly eighty five (85) ft. to the Northeast corner of Lot 7, Block 2, Highland Park Add.; thence South along the East line of said Lot 7, Block 2, Highland Park Add. a distance of eighty (80) ft.; thence Southwesterly a distance of one hundred (100) ft. to a point thirty (30) ft. South of the Northwest corner of Lot 8, Block 2, Highland Park Add., thence Southwesterly one hundred forty (140) ft. to the Southwest corner of Lot 10, Block 2, Highland Park Add.; thence Southeast seventy five (75) ft. to the Northwest corner of Lot 11, Block 3, Highland Park Add.; thence Southeasterly one hundred ten (110) ft. to a point on the East line and thirty five (35) ft. South of the Northeast corner of Lot 12, Block 3, Highland Park Add.; thence continuing Southeasterly a distance of thirty five (35) ft. to the centerline of So. 24th St.; thence South along the centerline of So. 24th St. a distance of eighty (80) ft.; thence Southeasterly thirty five (35) ft. to the Northwest corner of Lot 24, Block 4, Highland Park Add.; thence Southeasterly two hundred thirty-six (236) ft. to the Southeast corner of Lot 21, Block 4, Highland Park add.; thence Southeasterly seventy seven (77) ft. to the Northwest corner of Lot 6, Block 3, Anderson and Quealy Subdiv.; thence East two Hundred fifty-two and fifteen hundredth (252.15) ft. along the South line of 9th Ave. South to a point forty seven (47) ft. East of the Northwest corner of Lot 1, Block 4, Anderson and Quealy subdiv.; thence South three hundred twenty four and eighty five hundredths (324.85) ft. to the South line of 9½ Ave. So. to a point forty seven (47) ft. East of the Northwest corner of Lot 1, Block 4, Oleson Land Co. 3rd Add.; thence Southeasterly one hundred eighty (180) ft. to the Southeast corner of Lot 3, Block 4, Oleson Land Co. 3rd Add.; thence South one hundred ninety eight (198) ft. along the East line of Block 4, Oleson Land Co. 3rd Add. and across 10th Ave. South to the Northwest corner of Lot 1, Block 2, Mineral City Park add., thence East two hundred six (206) ft. along the South line of 10th Ave. South to the Northwest corner of Block 1, Mineral City Park Add.;



thence North forty eight (48) ft. across 10th Ave. South to the Southwest corner of Block 5 Anderson and Quealy 2nd Add.; thence Northeast four hundred fifteen (415) ft to the Northeast corner of Block 5 Anderson and Quealy 2nd Add.; then continuing Northeasterly forty two and five tenths (42.5) ft. to the centerline of 9½ Ave. South; thence East three hundred eighty three (383) ft. along the centerline of 9½ Ave. South to the East line of So. 28th St.; thence North three hundred thirty (330) ft. along the East line of So. 28th St. to the West R.O.W. line of the Ft. Dodge, Des Moines & Southern R.R.; thence East one hundred (100) ft. to the West R.O.W. line of the C.G.W. R.R. Co.; thence Southeasterly one thousand six hundred fifty five (1655) ft. along said West R.O.W. line of the West bank of drainage ditch — Webster County Drainage Dist. No. 1; thence Northeasterly fifty (50) ft. along West bank of said drainage ditch to the point of beginning.

(Ord. 1043 § 1).

## **Chapter 13.24 WASTEWATER SYSTEM <sup>121</sup>**

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[13.24.020 Unsanitary disposal unlawful.](#)

[13.24.030 Privies, septic tanks and cesspools unlawful.](#)

[13.24.040 Sewer connection—Required.](#)

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[13.24.090 Building sewer—Testing and use.](#)

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[13.24.110 Building sewer—Elevation.](#)

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[13.24.170 Discharge of runoff or unpolluted water.](#)

[13.24.175 Storm sewers—Prohibited discharges.](#)

[13.24.180 Prohibited discharges.](#)

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[13.24.200 Modification of National Categorical Pretreatment Standards.](#)

[13.24.205 Trucked/hailed wastes.](#)

[13.24.210 Specific pollutant limitations.](#)

[13.24.215 State requirements.](#)

[13.24.225 Excessive discharge.](#)

[13.24.230 Notification of changed discharge.](#)

[13.24.235 Notification of the discharge of hazardous waste.](#)

- [13.24.240 Accidental/slug discharges.](#)
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- [13.24.250 Wastewater contribution permits.](#)
- [13.24.255 Permit application.](#)
- [13.24.260 Permit modifications.](#)
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- [13.24.285 Application signatories and certification.](#)
- [13.24.290 Monitoring facilities.](#)
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- [13.24.300 Pretreatment.](#)
- [13.24.305 Unusual discharges—Special arrangements.](#)
- [13.24.310 Confidential information.](#)
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- [13.24.335 Inspection of properties—Authorized officials—Jurisdiction.](#)
- [13.24.340 Inspection of properties—Deaths or damages—Liability.](#)
- [13.24.345 Inspection of properties—Easements.](#)
- [13.24.350 Violation—Penalty.](#)
- [13.24.360 Enforcement.](#)
- [13.24.370 Fat, oil, and grease control.](#)
- [13.24.380 Fees.](#)

### **13.24.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.
- (2) "Approval authority" means the Iowa Department of Natural Resources.
- (3) "Authorized representative of industrial user" shall be:
  - (A) A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
  - (B) A manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign

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documents has been assigned or delegated to the manager in accordance with corporate procedures;

- (C) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;
  - (D) A duly authorized representative of the individual designated in subparagraph (A), (B) or (C) of this section if:
    - (i) The authorization is made in writing by the individual described in subparagraph (A), (B) or (C),
    - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and
    - (iii) The written authorization is submitted to the city.
- (4) "BOD (denoting biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees C.
  - (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
  - (6) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal including the connection device and tap of the main.
  - (7) "CFR" means Code of Federal Regulations.
  - (8) "Categorical standards" means National Categorical Pretreatment Standards or Pretreatment Standard.
  - (9) "City" means the city of Fort Dodge, Iowa.
  - (10) "Combined sewer" means a sewer receiving both surface runoff and sewage.
  - (11) "Composite sample" means a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either time or flow.
  - (12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
  - (13) "Customer" means any person, firm or corporation who makes application for sewer service to the premises and is responsible for payment of the water and sewer charges for such premises.
  - (14) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Iowa.
  - (15) "Director" means the city manager of the city or his authorized deputy, agent or representative.
  - (16) "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
  - (17) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
  - (18) "Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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- (19) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (20) "Industrial user" means a person who discharges industrial wastes into the sanitary sewer system.
- (21) "Industrial wastes" means any liquid, gaseous, radioactive or solid waste substance from industrial manufacturing processes, trade or business as distinct from normal domestic wastewater.
- (22) "Infiltration/inflow (I/I)" means clear, unpolluted water which enters the collection system from the ground or uncontrollable sources.
- (23) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both inhibits or disrupts the treatment works, its treatment processes or operations, or its sludge processes, uses or disposal and therefore is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in accordance with state or federal statutory provisions and regulations or permits issued thereunder.
- (24) "National Categorical Pretreatment Standard, pretreatment standard, or standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) and 40 CFR Chapter 1, Subchapter N, Parts 405-471 which applies to a specific category of industrial users.
- (25) "National Pollutant Discharge Elimination System (or NPDES) Permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (26) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (27) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (C) The production of wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered;
  - (D) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs (B) or (C) of this section but otherwise alters, replaces, or adds to existing process or production equipment.
- (28) "Normal domestic wastewater" means wastewater that has a BOD<sub>5</sub> concentration of not more than three hundred milligrams per liter and a suspended solids concentration of not more than three hundred milligrams per liter.
- (29) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

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- (30) "Pass through" means a discharge which exits the treatment works into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation).
- (31) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural.
- (32) "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (33) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (34) "Pretreatment or treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a treatment works. The reduction or alteration may be obtained by physical, chemical or biological processes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (35) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard, imposed on an industrial user.
- (36) "Pretreatment standards" means National Categorical Pretreatment Standards and/or any other pretreatment requirements.
- (37) "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 inch (1.27 centimeters) in any dimension.
- (38) "Public sewer" means the sewer in which all owners of served property have equal rights, and which is controlled by public authority and shall be deemed to include mains but not to include any of the building sewer from the main to the connected building or the connection device, tap or wye.
- (39) "Sanitary sewer" means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.
- (40) "Sanitary sewer system" includes main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels and sewer connections in public streets or private property.
- (41) "Sewage," also termed "wastewater," means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present.
- (42) "Sewer" means a pipe or conduit for carrying sewage or stormwater.
- (43) "Significant industrial user" means any industrial user of the city's wastewater disposal system who has a discharge flow of twenty-five thousand gallons or more of process wastewater per average work day, or has a discharge which is regulated by a National Categorical Pretreatment Standard, or has a process discharge that makes up five percent or more of the dry weather average hydraulic or organic capacity of the treatment works, or has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or state statutes and rules, or is found by the city, state or the U.S. Environmental Protection Agency (EPA) to have reasonable potential, either singly or in combination with other contributing industries, for adversely

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affecting the treatment works, for violating a pretreatment standard or requirement, for impacting quality of sludge, the system's effluent quality or air emissions generated by the system.

- (44) "Significant noncompliance" means a violation which meets one or more of the following criteria:
- (A) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
  - (B) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).
  - (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of treatment works personnel or the general public);
  - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the exercise of emergency authority under Section 13.24.368 to halt or prevent such a discharge;
  - (E) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
  - (F) Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (G) Failure to accurately report noncompliance;
  - (H) Any other violation or group of violations which the director determines will adversely affect the operation or implementation of the local pretreatment program.
- (45) "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 minutes, more than five times the average twenty-four-hour concentration of flows during normal operation.
- (46) "State" means state of Iowa.
- (47) "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
- (48) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act or other Acts.
- (49) "Storm drain," sometimes termed "storm sewer," means a sewer which carries stormwaters, surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- (50) "Superintendent" means the public works director of the city or his authorized deputy, agent or representative.
- (51) "Suspended solids (or SS)" 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.

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- (52) "Treatment works" means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers; outfall sewers; sewage collection systems; individual systems; pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer system.
- (53) "Treatment plant" means that portion of the treatment works designed to provide treatment to wastewater.
- (54) "U.S.C." means United States Code.
- (55) "User" means any person who contributes, causes or permits the contribution of wastewater into the city's treatment works.
- (56) "Wastewater contribution permit" means as set forth in Section 13.24.340.
- (57) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.
- (58) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.020 Unsanitary disposal unlawful.**

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, sewage, or objectionable waste.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.030 Privies, septic tanks and cesspools unlawful.**

Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, cesspool or other facility intended or used for the disposal of sewage.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.040 Sewer connection—Required.**

The owner of all 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 of the city, is required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after date of official

notification to do so, provided that said public sewer is within two hundred feet (thirty and five-tenths meters) of the property line.

(Ord. No. 2188, § II, 11-12-13)

**13.24.050 Sewer connection—Permit—Required.**

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 tapping permit from the director.

(Ord. No. 2188, § II, 11-12-13)

**13.24.060 Sewer connection—Permit—Application.**

The owner or his agent shall make application for a permit on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. All tapping permit fees and inspection fees shall be estimated by the public works director annually, for each such service required, subject to city council approval.

(Ord. No. 2188, § II, 11-12-13)

**13.24.070 Sewer connection—Cost liability.**

All costs and expenses incident to the installation and connection 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.

(Ord. No. 2188, § II, 11-12-13)

**13.24.080 Building sewer—Separate required.**

A separate and independent building sewer shall be provided for every building.

(Ord. No. 2188, § II, 11-12-13)

**13.24.090 Building sewer—Testing and use.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this chapter.

(Ord. No. 2188, § II, 11-12-13)

**13.24.100 Building sewer—Conformance with code.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.

(Ord. No. 2188, § II, 11-12-13)



**13.24.110 Building sewer—Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. No. 2188, § II, 11-12-13)

**13.24.120 Sewer connection—Unpolluted discharges prohibited in sanitary sewer.**

No person shall make connection of roof downspouts, exterior foundation drains, sump pumps, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. No. 2188, § II, 11-12-13)

**13.24.130 Sewer connection—Conformance with codes.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

(Ord. No. 2188, § II, 11-12-13)

**13.24.140 Sewer connection—Permit—Inspection.**

The applicant for a building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.

(Ord. No. 2188, § II, 11-12-13)

**13.24.150 Sewer connection—Guarding excavation.**

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. No. 2188, § II, 11-12-13)

**13.24.160 Unpolluted water prohibited in sanitary sewer.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer.

(Ord. No. 2188, § II, 11-12-13)

**13.24.170 Discharge of runoff or unpolluted water.**

Stormwater 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 director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, into a storm sewer, combined sewer or natural outlet if the user has obtained a NPDES permit from the state.

(Ord. No. 2188, § II, 11-12-13)

**13.24.175 Storm sewers—Prohibited discharges.**

It is unlawful to discharge or cause to be discharged, any sewage or other pollutant into any storm sewer within the city or within any area under the jurisdiction of the city.

(Ord. No. 2188, § II, 11-12-13)

**13.24.180 Prohibited discharges.**

A user may not introduce into the treatment works any pollutants which cause pass through or interference. No user shall contribute or cause to be contributed, directly or indirectly, any of the following substances to the treatment works:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the treatment works. Wastestreams with a closed-cap flashpoint of less than sixty degrees C (as specified in 40 CFR 261.21) are prohibited. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system;
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- (3) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/l, or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit (zero and sixty-five degrees C), unless approved by the director;
- (4) Any wastewater having a pH greater than nine and one-half, unless approved by the superintendent, or any wastewater having a pH less than five and one-half, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the treatment works;
- (5) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not, unless approved by the director;

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- (6) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause interference with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment works, or to exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act;
- (7) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (8) Any substance which may cause the treatment works effluent or any other product of the treatment works such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the treatment works cause the treatment works to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;
- (9) Any substance which will cause the treatment works to violate its NPDES and/or state disposal system permit or the receiving water quality standards;
- (10) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (11) Any wastewater having a temperature which will inhibit biological activity in the treatment works plant resulting in interference, but in no case wastewater or vapor having a temperature higher than sixty-five degrees C (one hundred fifty degrees F), unless approved by the director; and in no case wastewater or vapor with a temperature at the introduction into the treatment plant which exceeds forty degrees C (one hundred four degrees F);
- (12) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the treatment works. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities, or flow during normal operations;
- (13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;
- (14) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate), unless approved by the director;
- (15) Any discharge of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (16) Any wastewater which causes a hazard to human life or creates a public nuisance;
- (17) Any wastewater which will cause interference with the operation or performance of the treatment works. Any discharges listed above as requiring approval of the director shall be evaluated by the director based upon 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. When the director determines that a user(s) is contributing to the treatment works, any of the above-enumerated substances in such amounts as to interfere with the operation of the treatment works, adversely affect

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sludge or effluent quality, cause hazard to human life, or create a public nuisance, the director shall:

- (A) Advise the user(s) of the impact of the contribution,
- (B) Develop effluent limitation(s) for such user to correct the problem, and
- (C) Require a compliance schedule.

(Ord. No. 2188, § II, 11-12-13)

**13.24.190 National Categorical Pretreatment Standards.**

Upon the promulgation of the National Categorical Pretreatment Standards, for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The National Categorical Pretreatment Standards, 40 CFR Chapter 1, Subchapter N, Parts 405-471, revised as of July 1, 1993, are adopted as part of this chapter. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

(Ord. No. 2188, § II, 11-12-13)

**13.24.200 Modification of National Categorical Pretreatment Standards.**

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, the city may apply to the approval authority for modification of specific limits in the National Categorical Pretreatment Standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(Ord. No. 2188, § II, 11-12-13)

**13.24.205 Trucked/hailed wastes.**

The discharge of hauled or trucked wastes, except at points designated by the treatment works, is prohibited.

(Ord. No. 2188, § II, 11-12-13)

**13.24.210 Specific pollutant limitations.**

No person shall discharge wastewater containing pollutants which in combination with other discharges would cause the loadings at the introduction into the treatment plant to exceed the following limits:

0.04 lb/day	mercury
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2.64 lb/day	arsenic
0.13 lb/day	cadmium
2.12 lb/day	copper
2.22 lb/day	lead
0.59 lb/day	molybdenum
2.54 lb/day	nickel
0.79 lb/day	selenium
0.68 lb/day	silver
3.63 lb/day	zinc
12,939 lb/day	chloride

The director shall develop limits for each significant industrial user on a user specific basis to ensure that the above limitations are not exceeded. To ensure that the above loadings are not exceeded the director may impose limitations more stringent than those in this chapter.

(Ord. No. 2188, § II, 11-12-13)

**13.24.215 State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. No. 2188, § II, 11-12-13)

**13.24.225 Excessive discharge.**

Except where expressly authorized to do so by an applicable pretreatment standard, no user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard.

(Ord. No. 2188, § II, 11-12-13)

**13.24.230 Notification of changed discharge.**

All industrial users shall promptly notify the director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12 (p).

(Ord. No. 2188, § II, 11-12-13)

**13.24.235 Notification of the discharge of hazardous waste.**

All industrial users shall notify the director, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261.

(Ord. No. 2188, § II, 11-12-13)

**13.24.240 Accidental/slug discharges.**

Each significant industrial user, or any other user as deemed necessary by the city, shall provide protection from accidental/slug discharge of prohibited material or other substances regulated by this chapter. Facilities to prevent accidental/slug discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan within one hundred twenty days of the effective date of the ordinance codified in this chapter. No user who commences contribution to the treatment works after the effective date of said ordinance shall be permitted to introduce pollutants into the system until accidental/slug discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. The slug control plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the director of slug discharges, including the location of discharge, type of waste, concentration and volume, and corrective actions, and follow-up this notification with:
  - (A) Within five days following an accidental/slug discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the treatment works, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.
  - (B) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a accidental/slug discharge. Employers shall insure that all employees who may cause or suffer such a accidental/slug discharge to occur are advised of the emergency notification procedure;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or

equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.245 Recordkeeping requirements.**

Any industrial user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director, the approval authority or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, the approval authority or EPA.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.250 Wastewater contribution permits.**

All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a wastewater contribution permit before connecting to or contributing to the treatment works.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.255 Permit application.**

All significant industrial users shall complete and file with the city, an application in the form prescribed by the city. Existing significant industrial users shall apply for a wastewater contribution permit within thirty days after the effective date of the ordinance codified in this chapter, and proposed new significant industrial users shall apply at least ninety days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, location (if different from the address) and telephone number;
- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Sections 13.24.190 through 13.24.210 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
- (7) Description of activities, facilities, plant processes and pretreatment facilities on the premises including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement defining pretreatment standards and whether or not they are being met on a consistent basis and if not, whether additional operation

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and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

- (9) Each product produced by type, amount, process or processes and rate of production;
- (10) Type and amount of raw materials processed (average and maximum per day);
- (11) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (12) A statement, reviewed by an authorized representative of the user and certified by a professional engineer indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet the pretreatment standards.
- (13) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (B) No increment referred to in subdivision (A) of this subsection shall exceed nine months.
  - (C) No later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the director;
- (14) Any other information as may be deemed by the city to be necessary to evaluate the permit application. The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue or deny a wastewater contribution permit subject to terms and conditions provided herein.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.260 Permit modifications.**

The director may modify the wastewater contribution permit for good cause including, but not limited to, the following:

- (1) After promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit, the user shall apply for a wastewater contribution permit within the time period identified in the standard. In addition, the user with an existing wastewater contribution permit shall submit to the director within the time period identified in the standard the information required by subsections (3) through (13) of Section 13.24.255. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as city, state or federal limitations or requirements are modified or if other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty days prior to the



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effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance;

- (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of the permit issuance;
- (3) Information indicating that the permitted discharge poses a threat to the treatment works, personnel or the receiving waters;
- (4) Violation of terms or conditions of the permit;
- (5) Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any reporting;
- (6) To reflect a transfer of the facility ownership and/or operation to a new owner/operator;
- (7) To correct typographical or other errors in the permit.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.265 Permit conditions.**

Wastewater contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

- (1) Permits shall contain the following:
  - (A) A statement of duration of the permit, not to exceed five years;
  - (B) Requirements for maintaining and retaining plant records relating to wastewater discharge a minimum of three years or as specified by the city, and affording city access thereto;
  - (C) A statement regarding the transferability of the permit;
  - (D) Limits on the average and maximum wastewater constituents and characteristics to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the treatment works and comply with applicable pretreatment standards;
  - (E) A statement of applicable civil and criminal penalties for violations of the permit.
- (2) Permits may contain the following:
  - (A) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (B) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
  - (C) Requirements for installation and maintenance of inspection and sampling facilities;
  - (D) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (E) Compliance schedules for installation of technology to meet applicable standards;
  - (F) Requirements for submission of technical reports or discharge reports (see Section 13.24.280);
  - (G) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

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- (H) Requirements for notification of accidental/slug discharges or any other potential problem discharges;
- (I) Requirements for notification of the director, state and EPA of any discharge which would be considered a hazardous waste if disposed of in a different manner; and
- (J) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.270 Permit duration.**

Wastewater contribution permits shall normally be issued for a period of five years. A permit may be issued for a lesser period or may be stated to expire on a specific date. The user shall apply for a permit reissuance a minimum of one hundred eighty days prior to the expiration of the user's existing permit.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.275 Permit transfer.**

Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. No. 2188, § II, 11-12-2013)

### **13.24.280 Reporting requirements for permittee.**

The following reports are required for wastewater contribution permit holders:

- (1) Compliance Date Report. Within ninety days following the effective date of an applicable pretreatment standard users subject to the pretreatment standards shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (2) Periodic Compliance Reports.
  - (A) Any significant industrial user shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
  - (B) The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards, or in other cases where the imposition of mass

limitations is appropriate. In such cases, the report required by subdivision (A) of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the approval authority. Sampling shall be performed in accordance with the techniques approved by the approval authority.

- (3) Categorical Pretreatment Standard—Baseline Report. Within ninety days after the effective date of a categorical pretreatment standard, or ninety days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the treatment works shall be required to submit to the director a report which contains the information required under 40 CFR 403.12 (b)(1)—(7). Where reports containing this information already have been submitted to the state or EPA in compliance with the requirement of 40 CFR 128.140(b), the industrial user will not be required to submit this information again. At least ninety days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director a report which contains the information listed in 40 CFR 403.12(b)(1)—(5).

New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in 40 CFR 403.12(b)(4) and (5).

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.285 Application signatories and certification.**

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direct supervision in accordance to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.290 Monitoring facilities.**

All significant industrial users shall be required to provide and operate at their own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There will be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and all sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the

expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification by the city.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.295 Testing methods.**

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 methods specified in 40 CFR Part 136 and shall be determined at the monitoring facility provided, or upon suitable samples taken at said monitoring facility. In the event that no special monitoring facility has been required, the monitoring facility 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 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, Ammonia Nitrogen (N), and suspended solids analyses are obtained from twenty-four hour composites of all outfalls, whereas pH and oil/grease are determined from periodic grab samples.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.300 Pretreatment.**

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained continuously and in satisfactory and effective operation at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facilities. Design and installation of such facilities shall be subject to the requirements of all applicable codes, ordinances, and laws. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes. The city shall annually publish in the largest daily newspaper published in the city a list of the users which were in significant noncompliance with pretreatment requirements or standards during the twelve previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve months.

(Ord. No. 2188, § II, 11-12-13)

#### **13.24.305 Unusual discharges—Special arrangements.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. Special arrangements shall not be allowed which will cause violation of National Categorical Pretreatment Standards or NPDES permit.

(Ord. No. 2188, § II, 11-12-13)

**13.24.310 Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs. Wastewater monitoring results will not be recognized as confidential information. Information accepted by the city as confidential will be provided to the state and EPA upon request without prior notification to the user.

(Ord. No. 2188, § II, 11-12-13)

**13.24.330 Damaging or tampering with sewage works—Violation—Penalty.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided in Section 13.24.350.

(Ord. No. 2188, § II, 11-12-13)

**13.24.335 Inspection of properties—Authorized officials—Jurisdiction.**

The city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The city shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. No. 2188, § II, 11-12-13)

**13.24.340 Inspection of properties—Deaths or damages—Liability.**

While performing the necessary work on private properties referred to in Section 13.24.335, the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to city employees. The city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13.24.240.

(Ord. No. 2188, § II, 11-12-13)

**13.24.345 Inspection of properties—Easements.**

The director 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.

(Ord. No. 2188, § II, 11-12-13)

**13.24.350 Violation—Penalty.**

Any person found to be violating any provision of this chapter 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. Any person who continues any violation beyond the time limit provided for in such notice shall be guilty of a municipal infraction and, upon conviction thereof, shall be fined in the amount not exceeding one thousand dollars a day per violation. Each day in which any such violation continues shall be deemed a separate offense. In addition thereto, any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. In addition to the other remedies provided in this chapter, the city may, at the city's office, initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgment for all costs incurred by the city occasioned by the user's violation of any requirements of this chapter.

(Ord. No. 2188, § II, 11-12-13)

**13.24.360 Enforcement.**

(a) Administrative Remedies.

- (1) Notification of Violation. Whenever the city finds that any person has violated or is violating this chapter, a wastewater discharge permit, or any prohibition, limitation or requirement contained therein, the city may serve upon such person a written notice stating the nature of the violation ("notice of violation"). Within thirty days of the date of the notice of violation, a plan for the satisfactory correction of the violation shall be submitted to the city by the person. Submission of this plan does not relieve the person of liability for any violations occurring before or after receipt of the notice of violation.
- (2) Consent Orders. The director is hereby authorized and empowered to enter into consent orders, assurances of voluntary compliance, or other similar agreements with any person responsible for violation of, or noncompliance with, this chapter or a permit issued hereunder (hereafter referred to as noncompliance). Such orders shall specify action to be taken by the person to correct the noncompliance within a time period that shall be specified in the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection 13.24.360(a)(4) below.
- (3) Show Cause Hearing. The director may order any user who causes or is responsible for an unauthorized discharge, who has violated this chapter or is in noncompliance with a wastewater discharge permit, to show cause why a proposed enforcement action should not be taken. In the event the director determines that a show cause order should be issued, a notice that

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substantially notifies the user of the specific time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken shall be issued by the city ("show cause hearing notice"). The show cause hearing notice shall be served on the user at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The city shall review the evidence presented at the hearing and shall determine whether the proposed enforcement action is appropriate. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 13.24.360(b).

- (4) Administrative Orders. When the director, or his duly authorized representative, finds that a user has violated or continues to violate this chapter, the prohibitions or discharge limitations of this chapter, or those contained in any wastewater discharge permit or order issued hereunder, the director, or his duly authorized representative, may issue an order to cease and desist, and direct those persons in noncompliance to do any of the following:
  - (A) Immediately comply with all requirements;
  - (B) Comply in accordance with a compliance time schedule set forth in the order;
  - (C) Take appropriate remedial or preventative action in the event of a continuing or threatened violation;
  - (D) Disconnect from the POTW, or cease discharging into the POTW, unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
- (5) Emergency Suspensions. The director, or his duly authorized representative, may suspend wastewater treatment service and/or wastewater discharge permit when the director believes suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any conditions of its NPDES permit. Any user notified of a suspension of their wastewater treatment service and/or their wastewater discharge permit shall immediately stop or eliminate the discharge. A hearing shall be held within fifteen days of the notice of suspension to determine whether the suspension may be lifted or the user's wastewater discharge permit terminated. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any person or property. The director shall reinstate the wastewater discharge permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge and the payment of all user charges, surcharges, penalties and other cost assessed hereunder. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of the above described hearing.
- (6) Termination of Permit or Permission of Discharge. Any user who violates any condition of this chapter, or applicable state or federal regulations, is subject to having its permit terminated. The city may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:
  - (A) Failure to factually and accurately report the wastewater constituents and characteristics of the user's discharge;
  - (B) Failure to report significant changes in operations, or wastewater constituents and characteristics;
  - (C) Refusal to allow reasonable access to the user's premises to the director, approval authority, or EPA for the purpose of inspection or monitoring; or
  - (D) Violation of conditions of the wastewater discharge permit or permission to discharge, conditions of this chapter, or any applicable state or federal regulations.

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Noncompliant users shall be notified of the proposed termination of their wastewater discharge permit and will be offered an opportunity to show cause under this subsection (13.24.360(a)) why the proposed action should not be taken.

- (b) **Civil Penalties.** Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty by the city up to twenty-five thousand dollars per day per violation. Penalties between ten thousand dollars and twenty-five thousand dollars per day per violation may be assessed against a violator only if:
- (1) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
  - (2) In the case of failure to file, submit, or make available, as the case may be any documents, data, or reports required by this chapter, or the orders, rules, regulations and permits issued hereunder, only if the city determines that the violation was intentional and a civil penalty has been imposed against the violator with the five years preceding the violation.

Such assessments may be added to the user's next scheduled sewer service charges and the POTW, in addition to all other remedies, shall have such remedies for the collection of such assessments as it has for collection of other service charges.

- (c) **Penalty Determination.** In determining the amount of the civil penalty, the city shall consider the following:
- (1) The degree and extent of the harm to natural resources, the public health, or to public or private property resulting from the violation;
  - (2) The duration and gravity of the violation;
  - (3) The effect on ground or surface water quantity or quality or on air quality;
  - (4) The cost of rectifying the damage;
  - (5) The amount of money the user saved by noncompliance;
  - (6) Whether the violation was committed willfully or intentionally;
  - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
  - (8) Other fines and penalties assessed to user for previous violations; and
  - (9) The costs of enforcement to the city.
- (d) **Other Available Remedies.** Remedies, in addition to those previously mentioned in this chapter, are available to the city that may use any single one or combination thereof against a noncompliant person or user. Additional available remedies include, but are not limited to:
- (1) **Criminal Violations.** The district attorney for the 2<sup>nd</sup> Judicial District (the judicial district encompassing Webster County) may, at the request of the city, prosecute noncompliant persons and users who violate the provisions of this chapter.
  - (2) **Injunctive Relief.** Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the WWTP director, through the city attorney, may petition the county superior court for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
  - (3) **Water Supply Severance.** Whenever a user or person is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the user or person may be severed and service will only recommence, at the user's or person's expense, after it has satisfactorily demonstrated ability to comply.
  - (4) **Remedies Nonexclusive.** The remedies provided for in this chapter are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user or other



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person. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response guide.

(Ord. No. 2188, § II, 11-12-13)

### 13.24.370 Fat, oil, and grease control.

- (a) **Scope and Purpose.** The objective of this section is to aid in preventing the introduction and accumulation of fats, oils, and greases into the municipal wastewater system which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments (FSE) and other industrial or commercial establishments generating wastewater containing fats, oils or greases are subject to this section. This section regulates such users by requiring that grease interceptors and other approved strategies be installed, implemented, and maintained in accordance with the provisions hereof.
- (b) **Definitions.** The definitions contained in Section 13.24.010 and the following terms, when used in this section, shall apply.
- (1) "Action level" means the concentration based numeric value that the grease interceptor effluent, at the device's outlet tee and prior to mixing with any other wastewater from the contributing establishment's property, are expected to achieve on a consistent or stipulated basis.
  - (2) "Common interceptor" means one or more interceptors receiving FOG laden wastewater from more than one establishment. Common interceptors may be located at shopping centers, malls, entertainment complexes, sporting arenas, hotels, multi-tenant "flex" spaces, mixed use spaces, and other sites where multiple establishments are connected to a single grease interceptor. The owner of the property on which the common grease interceptor is located shall be primarily responsible for the maintenance, upkeep, and repair of the common interceptor.
  - (3) "Fats," "oils," and "greases" means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases" or "FOG".
  - (4) "Food service establishments (FSE)" means those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching, and infrared heating, searing, barbecuing, and any other food preparation or serving activity that produces a consumable food product in or on a receptacle requiring washing to be reused.
  - (5) "FOG enforcement response plan" means the document and written plan and procedures by which the director implements an enforcement strategy applicable to the FOG control and management program established herein. The plan applies to FOG program violations and matters of program noncompliance. Stipulated penalties for specific and programmatic infractions are addressed in the plan.
  - (6) "Grease trap" or "interceptor" means a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject users to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".

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- (7) "Minimum design capability" means the design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases and settled solids from grease-laden wastewaters discharged to the public sanitary sewer.
  - (8) "Non-cooking establishments" means those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking, but that may produce a consumable food product in or on a receptacle requiring washing to be reused.
  - (9) "On-site grease interceptor treatment" (sometimes "onsite treatment") means mechanisms or procedures utilized by a user to treat grease interceptor contents on the user's site, followed by the reintroduction of such treated wastewater back into the interceptor.
  - (10) "Program acknowledgement certificate" means program confirmation documentation issued by the director. The user is required to keep program acknowledgement certificate on premises and produce it upon request of the city.
  - (11) "Service provider" means any third party not in the employment of the user that performs maintenance, repair, and other services on a user's grease interceptor at the user's directive.
  - (12) "User" is as defined in Section 13.24.010 for the purpose of this section. Users include property owners who provide common interceptors for one or more independent establishments, including tenants.
- (c) Grease Interceptor Installation, Maintenance, Recordkeeping, and Grease Removal.
- (1) Grease interceptors shall be installed and maintained at the user's expense, when a user operates a food service establishment. Grease interceptors may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when the establishment generates wastewater containing fat or grease and the director determines an interceptor is necessary to prevent contribution or accumulation of grease to the sanitary sewer collection and treatment system. Upon notification by the director or designee that the user is subject to the terms of an enforcement action, as stipulated in the FOG enforcement response plan, said user shall not allow wastewater discharge concentration from subject grease interceptor to exceed an establishment action level of two hundred milligrams per liter, expressed as hexane extractable material. All grease interceptors shall be of a type, design, and capacity approved by the director and shall be readily and easily accessible for maintenance and repair, including cleaning and for town inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every sixty days or as permitted in a valid program modification. Users who are required to pass wastewater through a grease interceptor shall:
    - (A) Provide for a minimum hydraulic retention time of twenty-four minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent of the total volume of the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease-derived materials to rise and accumulate, identified hereafter as a solids blanket and grease cap respectively.
    - (B) Remove any accumulated grease cap and solids blanket as required, but at intervals of not longer than sixty days at the user's expense, or in accordance with a valid program modification or other director's requirements. Grease interceptors shall be kept free of inorganic solid materials, such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this solids blanket and thereby reduce the effective volume of the grease interceptor.
  - (C) If the user performs on-site grease interceptor treatment pursuant to a modification granted under Section 13.24.370(c)(5) below, user shall:
    - i. Prior to commencement of onsite treatment obtain written approval by and from the director of all processes utilized in said onsite treatment.

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- ii. If any pumped wastes or other materials removed from the grease interceptor are treated in any fashion on-site and reintroduced back into the grease interceptor as an activity of and after such on-site treatment, the user shall meet the criteria contained in Section 13.24.370(c)(1)(C)iii. below.
  - iii. Attain and adhere to the criteria listed below:
    - a. After thirty minutes of settling time, not more than three ml/L of settleable solids, as measured in a one liter Imhoff cone shall be allowed, and;
    - b. Within and not more than twenty-four hours after onsite grease interceptor servicing, not more than two inches of settleable solids and/or grease shall be allowed to have accumulated therein as a result of said operations.
    - c. Any tanks, tankage, or vessel(s) associated with a modification shall be empty upon arrival at the initial FSE user site for which this modification is intended to be applied.
- (D) Operate and maintain the grease interceptor to achieve and consistently maintain any applicable grease action level. "Consistent" shall mean any wastewater sample taken from such grease interceptor must meet the terms of numerical limit attainment described in Section 13.24.370(c)(1). If a user documents that conditions exist ("space constraints") on their establishment site that limit the ability to locate a grease interceptor on the exterior of the establishment, the user may request an interior location for the interceptor. Such request shall contain the following information:
- i. Location of city's sewer main and easement in relation to available exterior space outside building.
  - ii. Existing plumbing layout at or in a site.
  - iii. A statement of understanding, signed by the user or authorized agent, acknowledging and accepting conditions director may place on permitting an identified interior location. Conditions may include requirements to use alternative mechanisms, devices, procedures, or operations relative to an interior location.
  - iv. Such other information as may be required by the director.
- (E) The use of biological or other additives as a grease degradation or conditioning agent is permissible only upon prior written approval of the director. Any user using biological or other additives shall maintain the trap or interceptor in such a manner that attainment of any grease wastewater, action level, solids blanket or grease cap criteria, goal or directive, as measured from the grease interceptor outlet or interior, is consistently achieved.
- (F) The use of automatic grease removal systems is permissible only upon prior written approval of the director.
- (G) The director may make determinations of grease interceptor adequacy, need, design, appropriateness, application, location, modification(s), and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review by all regulatory reviewing agencies and may require repairs to, or modification or replacement of grease interceptors.
- (2) The user shall maintain a written record of grease interceptor maintenance for three years. All such records will be available for inspection by the town at all times. These records shall include:
- (A) Food service establishment (FSE) name and physical location;
  - (B) Date of grease interceptor service;
  - (C) Time of grease interceptor service;
  - (D) Name of grease interceptor service company;

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- (E) Name and signature of grease interceptor service company agent performing said service;
  - (F) Established service frequency and type of service: full pump out, partial pump out, on-site treatment (type of nature of operations);
  - (G) Number and size of each grease interceptor serviced at FSE location;
  - (H) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease interceptor;
  - (I) Total volume of waste removed from each grease interceptor;
  - (J) Destination of removed wastes, food solids, and wastewater disposal;
  - (K) Signature and date of FSE personnel confirming service completion;
  - (L) Such other information as required by director.
- (3) No nongrease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.
- (4) Access manholes shall have an installed diameter of twenty-four inches, a maximum weight of fifty pounds, and shall be provided over each chamber, interior baffle wall, and each sanitary tee. The access penetrations, commonly referred to as "risers" into the grease interceptor shall also be, at a minimum, twenty-four inches in diameter. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- (5) A user may request a modification to the following requirements of this section. Such request for a modification shall be in writing and shall provide the information set forth below.
- (A) The User's Grease Interceptor Pumping Frequency. The director may modify the sixty-day grease interceptor pump out frequency when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate and such can be substantiated by the director. Proposed alternatives may include: grease interceptor pumping or maintenance matters, bioremediation as a complement to grease interceptor maintenance, grease interceptor selection and sizing criteria, onsite grease interceptor maintenance, and specialized ware washing procedures.
  - (B) Grease Interceptor Maintenance and Service Procedures. The director may modify the method(s) or procedure(s) utilized to service a grease interceptor when the user provides data, and performance criteria relative to the overall effectiveness of a proposed alternate method or procedure and such can be substantiated by the director. If a modification to maintenance and service procedures is permitted it shall be a conditional discharged permit approval.
  - (C) Any modification must be approved by the director in written form before implementation by the user or the user's designated service provider.

(Ord. No. 2188, § II, 11-12-13)

### **13.24.380 Fees.**

- (a) Purpose. It is the purpose of this chapter to provide for the recovery from users of the city's wastewater disposal system of costs of the WPCF and for the implementation of the program provided for herein.
- (b) Fees and Charges. All users shall be subject to the following fees and charges as set forth in Chapter 13.12, sewage disposal rates and regulations.
  - (1) Rate of rent (user charge).

- (2) Surcharge for use over normal domestic waste.
- (3) Laboratory analysis fees for those analyses performed by the city.
- (4) Septage receiving fees.

(Ord. No. 2188, § II, 11-12-13)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 2188, § II, III, adopted Nov. 12, 2013, repealed Chapter 13.24, §§ 13.24.010—13.24.350, and enacted a new chapter as set out herein. Former Ch. 13.24 pertained to similar subject matter and derived from Ord. 1863 § 1—50, adopted in 1994. ([Back](#))

## **Chapter 13.28 UTILITY CONNECTION CHARGE PROGRAM**

Sections:

[13.28.010 Purpose.](#)

[13.28.020 Connection charge—Schedule.](#)

[13.28.030 Connection charge—Money collection.](#)

### **13.28.010 Purpose.**

The purpose of this chapter is to establish a utility connection charge program.

(Ord. 1838 § 1(1), 1993).

### **13.28.020 Connection charge—Schedule.**

- (a) The city council may, by ordinance, establish a schedule of reasonable and equitable connection charges to be paid by every person, firm or corporation whose premises will be served by connecting to a specific sanitary sewer, storm sewer or water main.
- (b) Such ordinance shall be certified by the city clerk and filed of record in the office of the county recorder.
- (c) Such ordinance shall provide that the charges therein provided shall be due and payable when a connection application is filed.
- (d) No connection charge established shall exceed the equitable portion of the total original cost to the city of extending said utility, less any part of said costs which has been previously assessed or paid to the city pursuant to Chapter 384, Division IV of the Code of Iowa.

- (e) Prior to the first consideration of any such ordinance, the city council shall cause to be published a notice of hearing in substantial compliance with Section 384.50 of the Code of Iowa and prescribing a notice and method of service to all property owners affected by the proposed utility connection charges.

(Ord. 1838 § 1(2—6), 1993).

#### **13.28.030 Connection charge—Money collection.**

Any and all charges collected under this chapter shall be remitted to the city; all moneys collected shall be kept in a separate account and shall be dispersed only for the purpose herein above set out.

(Ord. 1838 § 1(7), 1993).

### **Chapter 13.32 STORMWATER MANAGEMENT**

Sections:

[13.32.010 Definitions.](#)

[13.32.020 Establishment of ERU, ERU rate, and stormwater management charge—Establishment of council policy regarding expenditure of utility revenues.](#)

[13.32.030 Stormwater management charge for single-family residential property.](#)

[13.32.040 Stormwater management charge for multifamily residential property.](#)

[13.32.050 Undeveloped residential property.](#)

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[13.32.070 Undeveloped nonresidential property.](#)

[13.32.080 Appeal of lot or parcel area, dwelling unit, and impervious surface calculation.](#)

[13.32.090 Rate determinations—Compliance with bond covenants.](#)

[13.32.100 Billing procedures—Delinquent accounts, collection procedures.](#)

[13.32.110 Penalty.](#)

#### **13.32.010 Definitions.**

For purposes of this chapter, the following words and phrases shall have the following definitions:

"Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

"City" or "the city" means the city of Fort Dodge.

"City manager" or "manager" means the city manager of the city of Fort Dodge.

"Collection agent" means the water billing department of the city of Fort Dodge.

"Contributor" or "user" means any person, firm, corporation or other entity or organization responsible for the direct or indirect discharge of stormwater, or surface or subsurface waters, to the city's stormwater drainage system.

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"Costs of construction" means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including, but not limited to the costs of: (1) acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore; (2) physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith; (3) architectural, engineering, legal and other professional services; (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation; (5) any taxes or other charges which become due during construction; (6) expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction; (7) principal and interest on any bonds; and (8) miscellaneous expenses incidental thereto.

"Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.

"Developed property" means real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.

"Director" means the city engineer as director of the stormwater management utility.

"Dwelling unit" means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Equivalent residential unit" or "ERU" means the average impervious area of residential developed property per dwelling unit located within the city as periodically determined and established as hereafter provided.

"ERU rate" means the dollar value periodically determined and assigned to each ERU as a charge for stormwater management services, and expressed as \$X.XX per ERU.

"Exempt property" means public streets, platted private streets, alleys and sidewalks, public and private cemeteries, and public parks, including publicly owned property used for public recreation.

"Extension and replacement" means costs of extensions, additions or capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

"Fiscal year" means a twelve-month period commencing on the first day of July of any year, and ending on June 30th of the succeeding year.

"Impervious area" means the number of square feet of hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as undeveloped property, and/or causes water to runoff the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property, including, but not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement and athletic courts.

"Measured use" means property that includes impervious surface and requires measurement of the impervious surface to calculate the square footage of the impervious area on the property to determine the number of ERUs to be charged. This shall include all nonresidential property and residential property with more than five thousand sixty-six square feet of impervious surface, or three or more dwelling units.

"Multifamily residential property" means a residential structure designed with two or more dwelling units to accommodate two or more families or groups of individuals living separately and not sharing the same living space.

"Nonoperating revenues" refers to revenues derived from activities other than the basic operations of the stormwater management system, but excluding interest income on bond proceeds and on contributed capital.

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"Nonresidential property" means any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and other eleemosynary institutions, and including multi-use properties incorporating residential uses, but excluding undeveloped property and property used exclusively for agricultural purposes.

"Operating budget" means the annual operating budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.

"Operations and maintenance expense" means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, labor, executive compensation, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

"Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

"Single-family residential property" means a detached residential structure designed as a single dwelling unit to accommodate one family or group of individuals living together and sharing the same living space, but excluding multi-use properties which include single-family residential uses.

"Stormwater management charge" means the charge authorized by Iowa law and this chapter, which is established to pay operations and maintenance, extension and replacement of debt service of the stormwater utility.

"Stormwater management utility" or "utility" means the enterprise fund utility created to operate, maintain and improve the system and for such other purposes as stated in this chapter.

"Stormwater management utility system" or "system" means the existing stormwater management facilities and flood protection system of the city and all improvements thereto which by this chapter are constituted as the property and responsibility of the utility, to be operated as an enterprise fund to, among other things, conserve water; control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, and use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system. This shall include such items as storm sewers, ditches, roadways, stormwater intakes, creeks, ponds, and other public facilities collecting or conveying stormwater.

"Total annual revenue requirements" refers to the total amount of revenue required in one year to meet all expenditures incurred during that year for the financing of construction and for the operations and maintenance (including administration and renewal and replacement funding) of the stormwater drainage system, including facilities for the collection, transportation, and treatment of stormwater, and of the flood control protection system, including river levees and stormwater pumping stations.

"Undeveloped property" means real property that has no impervious area.

(Ord. 2073 § 1, 2007; Ord. 2067 § 1, 2006).

### **13.32.020 Establishment of ERU, ERU rate, and stormwater management charge— Establishment of council policy regarding expenditure of utility revenues.**

- (a) For purposes of this chapter, an ERU shall be equivalent to two thousand five hundred thirty-three square feet of impervious property.



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- (b) The ERU rate to be applied to residential and nonresidential properties shall be as illustrated on Exhibit "A" attached to and made a part of this chapter, which may be amended from time to time as rate adjustments are called for by the city council.
- (c) Except as hereafter provided, every contributor owning or occupying a single-family residential property, a multifamily residential property, or a non-residential property shall pay to the city at the office of the city's collection agent at the same time payment is made for water service, a stormwater management charge to be determined and billed as hereafter provided. Collection of delinquent stormwater management charges shall be in the same manner as provided in Section 2, Ordinance No. 1551 of the ordinances of the city of Fort Dodge, Iowa.

In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater management charge attributable to that property shall be the same as the responsibility for the water charge. The stormwater management charge shall be a monthly service charge and shall be determined by the provisions of this chapter and the ERU and ERU rate, which is herein established and from time to time adjusted as hereafter provided.

- (d) The stormwater management charges provided in Sections 13.32.030 through 13.32.070 and this section, of this chapter, shall be applied and computed for each contributor during the customary billing periods as to all bills mailed by the city's collection agent from and after August 1, 2007; and such charges shall thereafter be paid and collected as provided in this chapter.
- (e) The city council established a formal policy regarding the expenditure of a stormwater management utility revenues as follows:
  - (1) That commencing on or about July 1, 2007, the city clerk/finance director shall develop and implement a cost accounting system, capable of accurately recording and segregating charges to the system by all departments of the city, to include the cost of personnel, machinery, contract equipment and construction, supplies, depreciation, and any and all miscellaneous expenses and purchases.
  - (2) No revenues generated by the stormwater utility user fee shall be used for any purpose other than stormwater-related expenses.
  - (3) Revenues from the stormwater utility shall be allocated:
    - (A) At least ninety percent of the revenues of the stormwater management utility shall be dedicated to operation and maintenance and capital improvements of the city's storm sewer system. Costs attributable to this area of expenditure shall include contracted pump station maintenance; public works department activities related to current maintenance, minor reconstruction of system elements, and complete reconstruction and/or replacement; engineering department storm sewer TV crew work, but only that portion properly cost accounted to the utility; public works expanded and enhanced maintenance efforts to include the acquisition of new equipment and personnel; design of new capital improvements whether contracted or performed in-house; and contracted capital construction.
    - (B) Not more than ten percent to administration of the utility. Administration shall include all costs for water works billings, EPA water quality permits, and the cost of administrative personnel of all billing, engineering, and public works departments.

(Ord. 2073 § 2, 2007; Ord. 2067 § 2, 2006).

### **13.32.030 Stormwater management charge for single-family residential property.**

- (a) The stormwater management charge for a single-family residential property shall be at the rate of one ERU, provided the property has no more than two times the impervious area of one ERU. If the impervious surface area is greater than two times the ERU, then the impervious area shall be measured and the actual ERU rate calculated as other measured uses and rounded to the lower full

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number. In addition, a stormwater management charge includes a base monthly maintenance fee as established in Exhibit A codified at the end of this chapter. Payment for one ERU shall be included in the base maintenance fee.

- (b) As to a new single-family residence, the stormwater management charge attributable to that residence shall commence upon the earlier of: (a) the issuance of a certificate of occupancy for the residence; (b) ninety days after construction is halted, even if a certificate of occupancy has not been issued for the residence.
- (c) Any owner or occupant of a residential property aggrieved by the director's calculation of the stormwater management charge as herein provided, may appeal such determination to the director as provided in Section 13.32.080 hereof.

(Ord. 2073 § 3, 2007: Ord. 2067 § 3, 2006).

### **13.32.040 Stormwater management charge for multifamily residential property.**

- (a) The stormwater management charge for multifamily residential property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the number of square feet in one ERU. In addition, a multifamily residential property shall pay a base monthly maintenance fee as established in Exhibit A codified at the end of this chapter. Payment for one ERU shall be included in the base maintenance fee.
- (b) As to a new multifamily dwelling or dwelling unit, the stormwater management charge attributable to that dwelling or dwelling unit shall commence upon the earlier of: (a) the issuance of a certificate of occupancy for the dwelling or dwelling unit; or (b) ninety days after construction is halted, even if a certificate of occupancy has not been issued for the dwelling or dwelling unit.
- (c) Any owner or occupant of a multifamily residential property aggrieved by the director's calculation of the stormwater management charge as herein provided, may appeal such determination to the director as provided in Section 13.32.080 hereof.

(Ord. 2073 § 4, 2007: Ord. 2067 § 4, 2006).

### **13.32.050 Undeveloped residential property.**

The rate for all undeveloped property zoned residential shall be based on the total undeveloped surface area multiplied by the ERU rate per acre as illustrated in Exhibit "A" codified at the end of this chapter.

(Ord. 2073 § 5, 2007: Ord. 2067 § 5, 2006).

### **13.32.060 Stormwater management charge for nonresidential property.**

- (a) The stormwater management charge for nonresidential property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the number of square feet in one ERU. In addition, nonresidential property shall pay a base monthly maintenance fee as established in Exhibit A codified at the end of this chapter. Payment for one ERU shall be included in the base maintenance fee.
- (b) In the event of newly developed nonresidential property, the charge attributable to that property shall commence, or increase in the case of additional development to property which is already developed, upon the issuance of the certificate of occupancy for such additional development, or in the event that no certificate of occupancy will be issued for that development, or in the event development has halted, then on the date that the director or the director's designee determines in

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reasonable judgment that said development is substantially complete or has been halted for at least three months.

- (c) In the event of separately metered occupancy units within a nonresidential property with joint users of common impervious areas, the director shall calculate and allocate the pro rata stormwater management charge among said users. The minimum charge for any separately metered nonresidential property shall be equal to one ERU rate.
- (d) Any owner or occupant of a nonresidential property aggrieved by the director's calculation of the stormwater management charge or allocation among users as herein provided may appeal such determination to the director as provided in Section 13.32.080 hereof.

(Ord. 2073 § 6, 2007: Ord. 2067 § 6, 2006).

### **13.32.070 Undeveloped nonresidential property.**

The rate for all undeveloped property zoned other than residential shall be based on the total undeveloped surface area multiplied by the ERU rate per acre as illustrated in Exhibit "A" codified at the end of this chapter.

(Ord. 2073 § 7, 2007: Ord. 2067 § 7, 2006).

### **13.32.080 Appeal of lot or parcel area, dwelling unit, and impervious surface calculation.**

- (a) Any owner or occupant of a single-family residential property aggrieved by the initial or any subsequent determination of lot or parcel area and calculation of the stormwater management charge for such property as provided in Section 13.32.030, may appeal such determination and calculation to the director. Upon appeal, the stormwater management charge for the property shall be recalculated as provided in Section 13.32.030, utilizing information supplied by the appealing owner or occupant, provided such information is verified as correct by the director.
- (b) Any owner or occupant of a multifamily residential property aggrieved by the initial or any subsequent calculation of the number of dwelling units upon or in such property, calculation of the stormwater management charge, or allocation of such charge among occupants, all as provided in Section 13.32.040, may appeal such calculations and allocation to the director, and upon appeal, the classification of such property shall be changed to unclassified and the stormwater management charge for such property shall be calculated as provided in Section 13.32.040.
- (c) Any owner or occupant of nonresidential property aggrieved by the initial or any subsequent calculation of the total impervious area of such property, calculation of the stormwater management charge for such property, or allocation of such charge among occupants, all as provided in Sections 13.32.050 through 13.32.070, may appeal such calculations or allocation to the director. Upon such appeal, the stormwater management charge shall be recalculated using information obtained as hereinafter provided.
- (d) An appeal by the owner, occupant, or occupant organization of a single-family or multifamily residential property must be filed in writing within ninety days after the initial billing of the stormwater management charge for that property, or within ninety days after any billing showing a recalculation of the stormwater management charge for that property. In the case of an appeal occurring within ninety days of the initial billing of a property, any adjustment of the stormwater management charge resulting from such appeal shall be retroactive to the date of the initial billing. In the case of an appeal occurring within ninety days of a billing showing a recalculation of the stormwater management charge. Any adjustment of the stormwater management charge resulting from such an appeal shall be retroactive to the date the recalculated bill went into effect.

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- (e) The owner, occupant, or occupant organization of a nonresidential property, who is aggrieved: (1) by the initial or any subsequent calculation of the lot or parcel area, or of the impervious area of the property, (2) by the calculation of the stormwater management charge, or (3) by the allocation of such charge among occupants, may appeal such determinations, provided that such appeal must be filed in writing within ninety days after the initial billing of the stormwater management charge for that property, or within ninety days after any billing showing a recalculation of the stormwater management charge for that property. In the case of an appeal occurring within ninety days after the initial billing of a property, any adjustment of the stormwater management charge resulting from such appeal shall be retroactive to the date of the initial billing. In the case of an appeal occurring within ninety days after a billing showing a recalculation of the stormwater management charge, any adjustment of the stormwater management charge resulting from such appeal shall be retroactive to the date the recalculated bill went into effect.
- (f) Appeals by the owners, occupants, or occupant organizations of multifamily residential properties or nonresidential properties shall include a statement of the number of dwelling units, total property area, and/or total impervious area, as appropriate for the particular grounds for appeal. Appeals by the owners of single-family residential properties shall include a statement or data showing the actual square footage of the lot or parcel. Such information may be shown on stormwater management reporting forms or on appeal forms, and may be accompanied by plats, city assessor's records, or survey data. The director may request additional information from the appealing party. Based upon the information provided by the utility and appealing party, the director shall make a final calculation of the stormwater management charge. The director shall notify the parties, in writing, of the director's decision within ninety days after receipt of the appeal. If still aggrieved, a party may request, in writing, a review by the city manager of the director's decision. Such request must be filed within thirty days after the director's decision, shall cite specific error by the director, and shall include the calculation of the stormwater management charge which the appealing party believes to be correct. The city manager shall review the record presented and render a written decision within thirty days after receipt of the request for review. The city manager may request for review. The city manager may request additional information from either party. If still aggrieved, a party may request review of the city manager's decision by the city council in the same manner as above provided for review by the city manager. Any property owner aggrieved by the decision of the city council may appeal to the Webster County, Iowa District Court by action filed within sixty days after mailing of the ruling of the city council to the address of the property owner, occupant, or occupant organization as shown on the review request or on the records of the city with respect to the appeal. The filing of an appeal shall not excuse the payment of the stormwater management charge when due, however, the city shall refund any portion of the charge paid subsequent to the filing of the appeal which is adjudged to be excessive, with interest at the rate provided by law.

(Ord. 2073 § 8, 2007: Ord. 2067 § 8, 2006).

### **13.32.090 Rate determinations—Compliance with bond covenants.**

- (a) In calculating the ERU rate as provided in Sections 13.32.020 through 13.32.070, the director shall include in the budgeted expense and revenue amounts sufficient funds as will insure compliance with any and all rate covenants applicable to any outstanding bonds, notes or other obligations issued in connection with the construction and operation of the stormwater.
- (b) For purposes of complying with any covenant relating to the issuance of additional bonds, notes or other obligations ranking on a parity with outstanding bonds issued in connection with the construction and operation of the stormwater management utility, the director shall, prior to council consideration of the resolution to take additional action for the issuance of such additional bonds, and with such assistance from the city's independent accountants as the director deems necessary, calculate the ERU rate necessary to produce revenues sufficient to comply with such covenant and shall certify the same to the city manager. The city manager shall inform the city council of the revised ERU rate at the time that the resolution to take additional action for the issuance of such bonds is submitted to the council for its review and approval. Upon council approval of such

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resolution, the city manager shall publish said revised ERU rate once in a newspaper of general circulation, shall give notice thereof to contributors if and as required by applicable state or federal law, and shall proceed to impose and collect said rate commencing with the next available billing cycle.

(Ord. 2073 § 9, 2007: Ord. 2067 § 9, 2006).

**13.32.100 Billing procedures—Delinquent accounts, collection procedures.**

- (a) The procedures for billing of the stormwater management service charges provided in Sections 13.32.020 through 13.32.070 hereof, and for the collection of delinquent stormwater management service charges, shall be as provided in Section 13.32.020 of this code.
- (b) Contributors not currently subject to billing by the Fort Dodge water department, may be directly billed for stormwater management services by the city of Fort Dodge. In such instances, the billing and collection of stormwater management charges shall be subject to the same rules and procedures as to delinquency in payment, certification of delinquency, and property lien as provided in Section 13.32.020 of this code.

(Ord. 2073 § 10, 2007: Ord. 2067 § 10, 2006).

**13.32.110 Penalty.**

Anyone violating any of the provisions of this chapter shall upon conviction be subject to the penalties in accordance with Section 1.20.020 of the Fort Dodge Municipal Code.

(Ord. 2073 § 11, 2007: Ord. 2067 § 11, 2006).

EXHIBIT "A"

Stormwater Utility Charges

The ERU rate to be applied to residential and nonresidential properties shall be as follows:

- (1) For the period of July 1, 2007 through June 30, 2007, the ERU rate shall be \$ .50 .
- (2) For the period of July 1, 2008 through June 30, 2009, the ERU rate shall be \$ .50 .
- (3) For the period of July 1, 2009 through June 30, 2010, the ERU rate shall be \$ .50 .

The stormwater management charge shall be based on the number of ERU's determined for the particular type of use as follows:

Use	Base Fee	Number of ERU's
1. Residential		
a. Single-Family Detached	\$3.00	2,533 sf = 1 ERU
Developed	0.00	1.0 (up to 5,066 sf of impervious surface) All over 5,066 sf become a measured use

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Undeveloped - vacant lot	0.00	0.0/acre; 0.0 minimum
b. Multifamily		
Apartments	9.00/location	Measure*
Condominiums	3.00/unit	Measure*
Mobile Home Parks	9.00/location	Measure*
Undeveloped	0.00	0.0/acre; 0.0 minimum
2. Commercial		
Developed	9.00/location	Measure*
Undeveloped	0.00	0.0/acre; 0.0 minimum
3. Industrial		
Developed	9.00/location	Measure*
Undeveloped	0.00	0.0/acre; 0.0 minimum
4. Public institutional	9.00/location	Measure*
5. Governmental	9.00/location	Measure*
6. Agriculture— Undeveloped	0.00	0.0/acre; 0.0 minimum
7. Credits		A 50% reduction of ERU's may be given if onsite detention is constructed. Detention is to be the difference between the runoff from a 5-year system on the site "pre-developed" and the 100-year runoff from the site "fully developed"

\* Measure impervious surface and divide by area of one ERU.

**Chapter 13.36 BACKFLOW PREVENTION PROGRAM WITH CONTAINMENT**

Sections:

[13.36.010 Preamble.](#)

[13.36.020 Purpose.](#)

[13.36.030 Cross connection control-containment.](#)

[13.36.040 Registration of backflow prevention assembly technician.](#)

[13.36.050 Board of appeals.](#)

[13.36.060 Fees.](#)

[13.36.070 Violation—Penalty.](#)

**13.36.010 Preamble.**

Iowa Administrative Code/Public Health Department 641-25.5(135) requires the city to enact a backflow prevention program with containment.

(Ord. 2077 (part), 2007).

**13.36.020 Purpose.**

The purpose of this chapter is to provide administration and enforcement procedures, to provide for evaluation of existing and new water services, to provide for the installation and regular maintenance of required protective devices, and to provide for penalties for violation of the requirements.

(Ord. 2077 (part), 2007).

**13.36.030 Cross connection control-containment.**

(a) Definitions. For the purpose of this chapter, the following definitions supersede definitions given elsewhere in this section or in the plumbing code and shall apply only to this chapter:

"Administrative authority" means the city water department and building official.

"Approved backflow prevention assembly for containment" means a backflow prevention assembly which is approved by the University of Southern California-Foundation for Cross Connection Control and Hydraulic Research. The approval listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly shall also be listed by the International Association of Plumbing and Mechanical Officials (IAPMO) or by the American Society of Sanitary Engineering (ASSE) as having met the requirements of one of the standards listed below.

Standard	Product Covered
<hr style="width: 10%; margin: auto;"/>	

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ANSI/ASSE* 1013-1999	Reduced Pressure Principle
	Backflow Preventers
ANSI/ASSE* 1015-1999	Double Check Backflow
	Prevention Assembly
ANSI/ASSE* 1047-1999	Reduced Pressure Detector
	Backflow Preventer
ANSI/ASSE* 1048-1999	Double Check Detector
	Assembly Backflow Preventer
ANSI/AWWA ▲7C510	Double Check Valve Backflow
	Prevention Assembly
ANSI/AWWA ▲7C511	Reduced-Pressure Principle
	Backflow Prevention Assembly

\* Notes:

□ American National Standards Institute, 1819 L Street NW, Washington, DC 20036

■ American Society of Sanitary Engineering, 28901 Clemens Road, Ste 100, Westlake, OH 44145

▲ American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235

"Approved backflow prevention assembly for containment in a fire protection system" means a backflow prevention assembly to be used in a fire protection system which meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters' Laboratories, Inc. (UL), and the requirements of the city fire code and building code, in addition to the requirements of subsection (g)(1). Devices sized smaller than two and one-half inches, which have not been listed by Underwriters'



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Laboratories, Inc. (UL) and tested by Factory Mutual Research Corporation (FM), may be allowed if they meet the requirements of the city fire code and building code.

"Auxiliary water supply" means any water supply on or available to the premises other than the water purveyor's approved public water supply, such as but not limited to a private well, pond, or river.

"Containment" means a method of backflow prevention which requires the installation of a backflow prevention assembly at the water service entrance.

"Cross connection" means any actual or potential connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or tank, receptacle, equipment, or device, through which it may be possible for nonpotable, used, unclean, polluted, and contaminated water or other substance to enter into any part of such potable water system under any condition.

"Customer" means the owner, operator, or occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system.

"Degree of hazard" means the rating of a cross connection or water service which indicates if it has the potential to cause contamination or pollution.

"Double check valve backflow prevention assembly" means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.

"High hazard cross connection" means a cross connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

"Isolation" means a method of backflow prevention in which a backflow prevention assembly is located at the cross connection rather than at the water service entrance.

"Low hazard cross connection" means a cross connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

"Reduced pressure principle backflow prevention assembly" means a backflow prevention device consisting of two independently acting internally loaded check valves, a different pressure relief valve, four properly located test cocks, and two isolation valves.

"Registered backflow prevention assembly technician" means a person who is registered by the state to test or repair backflow prevention assemblies and report on the condition of those assemblies.

"Thermal expansion" means volumetric increase of water due to heating resulting in increased pressure in a closed system.

"Water department" means the city water department.

(b) Administrative Authority.

- (1) Water department or the building official shall have the right to enter, with the consent of the customer or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for possible cross connections.
- (2) Water department shall maintain records of cross connection hazard surveys and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

(c) New Water Services. New water services shall comply with the following:

- (1) Plans shall be submitted to water department for review on all new water services in order to determine the degree of hazard.
- (2) The water department shall, in consultation with the building official, determine the type of backflow prevention assembly required for containment based on the degree of hazard.

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- (3) The building official shall inspect the installation of the required backflow prevention assembly for containment before the initiation of water service.
- (d) Existing Water Services. Existing water services shall comply with the following:
  - (1) Upgrades or reconstruction of existing water services shall be treated as new water services for the purpose of this section.
  - (2) The water department in consultation with the plumbing inspector shall, on the basis of information received from customers or gathered through on-premises investigations or surveys, determine the type of backflow prevention assembly required for containment based on the degree of hazard.
  - (3) Within the timeframe specified in writing by the water department, the customer shall install a backflow prevention assembly for containment required by the water department.
  - (4) For existing water services, the water department may inspect the premises to determine the degree of hazard. When high hazard cross connections are found, water department shall, at its sole discretion:
    - (A) Develop a schedule of compliance which the customer shall follow; or
    - (B) Terminate the water service until a backflow prevention assembly for containment required by the water department has been installed.
  - (5) Failure of the water department to notify a customer that the customer is believed to have a high hazard cross connection and that the customer shall install backflow prevention assemblies for containment in no way relieves a customer of the responsibility to comply with all requirements of this section.
- (e) Customer. Responsibilities of the customer shall be as follows:
  - (1) The customer shall be responsible for ensuring that no cross connections exist without approved backflow protection within his or her premises starting at the point of service from the public potable water system.
  - (2) The customer shall, at his or her own expense, cause installation, operation, testing and maintenance of backflow prevention assemblies.
  - (3) The customer shall ensure that copies of records of the installation and of all tests and repairs made to the backflow prevention assembly on the approved form within fifteen days after testing and/or repairs are completed.
  - (4) If a backflow incident occurs, the customer shall immediately notify the water department of the incident and take steps to confine the contamination or pollution.
- (f) Required Backflow Prevention Assemblies for Containment for Water Services. Backflow prevention assemblies for containment for water services shall be required as follows:
  - (1) An air-gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more cross connections which the administrative authority has classified as high hazard.
  - (2) An approved double check valve assembly is required for water services having no high hazard cross connections but having one or more cross connections which the water department has classified as low hazard.
- (g) Required Backflow Prevention Assemblies for Containment for Fire Protection Systems. Backflow prevention assemblies for containment for fire protection systems shall be required as follows:
  - (1) A reduced pressure principle backflow prevention assembly shall be installed on all new and existing fire protection systems which the water department determines to have any of the following:

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- (A) Direct connections from public water mains with an auxiliary water supply on or available to the premises for pumper connection.
  - (B) Interconnections with auxiliary supplies such as reservoirs, rivers, ponds, wells, mills, or other industrial water systems.
  - (C) Use of antifreezes or other additives in the fire protection system.
  - (D) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.
  - (E) Any other facility, connection, or condition which may cause contamination.
- (2) A double check valve assembly will be required for all other fire protection systems. The double check valve assembly shall be required on all new systems at the time of installation and on existing systems at the time that they are upgraded.
- (3) Submittal of proposed backflow prevention devices to the water department does not relieve the designer or the sprinkler contractor of the responsibility of submitting plans, including backflow prevention devices to the fire marshal for approval.
- (h) Backflow Prevention Assembly Technicians. A backflow prevention assembly technician registered by the state and city shall include his or her registration number on all correspondence and forms required by or associated with this section.
- (i) Registered Backflow Prevention Assembly Technician Noncompliance. Noncompliance with any of the following by a registered technician shall be grounds for reporting such individual to the state department of public health:
- (1) Improper testing or repair of backflow prevention assemblies.
  - (2) Improper reporting of the results of testing or of repairs made to backflow prevention assemblies.
  - (3) Failure to meet registration requirements.
  - (4) Related unethical practices.
- (j) Installation of Backflow Prevention Assemblies. Backflow prevention assemblies shall be installed in compliance with the following:
- (1) The required backflow prevention assemblies for containment shall be installed in horizontal plumbing immediately following the meter or as close to that location as deemed practical by the water department. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly and the water main.
  - (2) Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding.
  - (3) Reduced pressure principle backflow prevention assemblies shall not be installed in underground vaults or pits.
  - (4) All backflow prevention assemblies shall be protected from freezing. Those devices used for seasonal water services may be removed in lieu of being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention technician prior to service being reactivated.
  - (5) If hot water is used within the water system, thermal expansion shall be provided for when installing a backflow prevention assembly for containment.
  - (6) Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies to a suitable drain.

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- (7) No backflow prevention assemblies shall be installed in a place where it would create a safety hazard, such as but not limited to over an electrical panel or above ceiling level.
  - (8) If interruption of water service during testing and repair of backflow prevention assemblies for containment is unacceptable, another backflow prevention assembly, sized to handle the temporary water flow need during the time of test or repair, should be installed in parallel piping.
  - (9) All backflow prevention assemblies shall be installed so that they are accessible for testing as stated in the City Plumbing Code.
  - (10) All shutoff valves shall conform with the current edition of the Manual of Cross-Connection Control (University of Southern California) requirements for either ball or resilient seat gate valves at the time of installation. Ball valves shall be used on assemblies installed in piping two inches and smaller and resilient seat gate valves on assemblies installed in piping larger than two inches.
  - (11) Location and protection of the containment assembly shall be approved by the water department prior to installation.
- (k) Testing of Backflow Prevention Assemblies. Backflow prevention assemblies shall be tested as follows:
- (1) Testing of backflow prevention assemblies shall be performed by a registered backflow prevention assembly technician. The costs of tests required in the subsections (k)(2) through (k)(5) of this section shall be borne by the customer.
  - (2) Backflow prevention assemblies shall be tested upon installation and tested and inspected at least annually.
  - (3) Backflow prevention assemblies which are in place, but have been out of operation for more than three months, shall be tested before being put back into operation. Backflow prevention assemblies used in seasonal applications shall be tested before being put into operation each season.
  - (4) Any backflow prevention assembly which fails a periodic test shall be repaired or replaced. When water service has been terminated for noncompliance, the backflow prevention assembly shall be repaired or replaced prior to the resumption of water service. A registered backflow prevention assembly technician shall retest backflow prevention assemblies immediately after repair or replacement.
  - (5) The water department or the building official may require backflow prevention assemblies to be tested at any time in addition to the annual testing requirement.
  - (6) The registered backflow prevention assembly technician shall report the successful test of a backflow prevention assembly to the customer and to the water department on the form provided by the water department within fifteen days of the test.
  - (7) The water department or the building official may require, at the owner's expense, additional tests of individual backflow prevention assemblies as it shall deem necessary to verify test procedures and results.
- (l) Repair of Backflow Prevention Assemblies. Backflow prevention assemblies shall be repaired in accordance with the following:
- (1) All repairs to backflow prevention assemblies shall be performed by registered backflow prevention assembly technicians.
  - (2) The registered backflow prevention assembly technician shall not change the design, material, or operational characteristics of a backflow prevention assembly during repair or maintenance, and shall use only original manufacturer replacement parts.
  - (3) The registered backflow prevention assembly technician shall report the repair of a backflow prevention assembly to the customer and to the water department on the form provided by the

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water department within fifteen days of the repair. The report shall include the list of materials or replacement parts used.

- (4) Any time fire services are discontinued for a period of time longer than necessary to test the device, the tester is required to notify the fire chief's office that the fire services are shut off for repair.
- (m) Customer Noncompliance. The water service may be discontinued in the case of noncompliance with this section. Noncompliance includes but is not limited to the following:
  - (1) Refusal to allow the water department and/or the plumbing inspection division personnel access to the property to inspect for cross connections.
  - (2) Removal of a backflow prevention assembly which has been required by the water department.
  - (3) Bypassing of a backflow prevention assembly which has been required by the water department.
  - (4) Providing inadequate backflow prevention when cross connections exist.
  - (5) Failure to install a backflow prevention assembly which has been required by the water department.
  - (6) Failure to test and/or properly repair a backflow prevention assembly as required by the water department.
  - (7) Failure to comply with the requirements of this section.
- (n) Replacements. Replace listed RPZ with stainless steel dual check with an atmospheric opening complying with the city of Fort Dodge Plumbing Code. "Water service," depending on the context, means the physical connection between a public water system and a customer's building, property, or private water system, or the act of providing potable water to a customer.

(Ord. 2077 (part), 2007).

### **13.36.040 Registration of backflow prevention assembly technician.**

Prior to performing testing or repair of any backflow prevention device which receives its water supply from the city of Fort Dodge public water system, a technician shall first register with the city clerk and shall provide proof of current registration under Iowa Administrative Code 641-26.

(Ord. 2077 (part), 2007).

### **13.36.050 Board of appeals.**

Any person aggrieved by a decision of the water department/building official pursuant to this chapter may appeal to the board of appeals pursuant to and in the manner provided for in Chapter 14.56 of the Fort Dodge Municipal Code.

(Ord. 2077 (part), 2007).

### **13.36.060 Fees.**

The fees for activities and services performed by city of Fort Dodge in carrying out its responsibilities under this chapter shall be set by the city council by resolution.

(Ord. 2077 (part), 2007).

**13.36.070 Violation—Penalty.**

Anyone violating any of the provisions of this chapter shall upon conviction, be subject to the penalties in accordance with Section 1.20.020 of the Fort Dodge Municipal Code.

(Ord. 2077 (part), 2007).