

Chapter 3-1

GARBAGE STORAGE AND COLLECTION

Sections:

3-1-1	Purpose
3-1-2	Definitions
3-1-3	Duty To Provide Cans
3-1-4	Accumulation And Deposit Of Garbage Or Recyclable materials Prohibited
3-1-5	Optional Means of Collection
3-1-6	Necessity Of Permit
3-1-7	Minimum Collection Service
3-1-8	Separation Of Yard Waste
3-1-9	Bagging Of Recyclable Materials
3-1-10	Fee Structure - Residential Customers
3-1-11	Collection Equipment
3-1-12	Alley Embargo
3-1-13	Disposal
3-1-14	Municipal Infraction

Section 3-1-1 Purpose

The purpose of this Chapter is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-2 Definitions

For use within this Chapter the following terms are hereby defined:

- (A) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.
- (B) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee.
- (C) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.
- (D) "PERSON": Any individual, firm, corporation, trust or other organized group, or any governmental unit.

(E) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling Center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.

(F) "RESIDENTIAL CUSTOMER": Any property involving three or fewer residential units.

(G) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include grass clippings, leaves, garden waste and branches from trees and shrubs.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-3 Duty To Provide Cans

Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-4 Accumulation And Deposit Of Garbage Or Recyclable materials Prohibited

No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-5 Optional Means of Collection

It shall be optional whether the City:

(A) Collects garbage, recyclable materials and yard waste with its own equipment and employees;

(B) Makes a contract with a qualified person to collect garbage, recyclable materials, or yard waste;
or

(C) Issues a permit to a qualified person to collect garbage, recyclable materials and yard waste.

The Council by resolution shall elect the method or methods to be used in the collection of garbage, recyclable materials and yard waste.

If the City, by proper action of its Council, elects to own the equipment or to contract for the collection of garbage, recyclable materials and yard waste, it shall defray this cost as provided by State law.

If the City, by action of its Council, elects to permit the collection of garbage, recyclable materials and yard waste other than by contract, the Council may issue permits to applicants upon the payment of a permit fee, in the amount set by Council Resolution. Each permit shall expire one year from the date of issuance. No person may be issued a permit for the collection of garbage, recyclable materials and yard waste unless the person shall demonstrate that he or she has a proper vehicle, as described in Section 3-1-11, duly registered and licensed, and that in addition such person has General Liability Insurance-Combined Single Limit for Bodily Injury and Property Damage Liability (including Premises and Operations, Products and Completed Operation and Contractual Liability) in an amount not less than of One Million Dollars (\$1,000,000.00) per occurrence plus Automobile Liability Insurance in an amount not less than One Million Dollars (\$1,000,000.00) per accident plus Worker's Compensation Insurance with Employer's Liability limits of at least Five Hundred Thousand Dollars (\$500,000.00)/Five Hundred Thousand Dollars (\$500,000.00)/Five Hundred Thousand Dollars (\$500,000.00). The General Liability and Automobile Liability policies must name the City of Storm Lake, Iowa as an additional insured. The period of the insurance coverage required shall be at least sufficient to coincide with the period being requested. The Council may also establish other regulations necessary to protect the public health which each permit holder must obey. Upon the holder's failure to comply with the rules established or the provisions of this Chapter, the Council may revoke the permit.

(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-6 Necessity Of Permit

No person shall collect garbage or recyclable materials except his own unless authorized by contract or permit.

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-7 Minimum Collection Service

Every collector of garbage and recyclable materials shall at a minimum collect garbage not less than once a week, recyclable materials not less than once a week, and have the capability to pick up yard waste and discarded items too large for garbage cans for which special arrangements have been made at least once weekly (other than weeks that involve a major holiday).

(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-8 Separation Of Yard Waste

Each person intending to have yard waste removed from the property owned or occupied by that person shall insure that yard waste is separated from all other forms of garbage or recycling materials. Each such person shall further insure that all yard waste that is bagged will be clearly identifiable as yard waste so

that said yard waste will not be mistakenly collected at such times as garbage or recyclable materials are collected by the garbage collection services.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-9 Bagging Of Recyclable Materials

All persons residing in residential units desiring to have recyclable materials picked up on the day designated for recyclable materials shall bag such recyclable materials only in clear or color transparent plastic bags so that the collector can readily identify the contents of the bags as recyclable materials.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-10 Fee Structure - Residential Customers

Every collector from residential customers shall establish a monthly collection fee in an amount to be determined by the collector which will entitle the customer to have picked up on average three 33 gallon bags of garbage per week, or such equivalent amount as would fit within three 33 gallon cans and with no bag or can weighing more than 25 lbs. apiece. This same base fee shall entitle the customer to have picked up an unlimited amount of recyclable materials unless the collector determines in its own judgment that the amount of recyclable materials is excessive for a given residential unit. Each collector shall also establish a pricing system to charge for additional quantities of garbage over and above the weekly average limit and which price shall be sufficient to encourage customers to separate and recycle to the greatest extent possible. All solid waste haulers must provide evidence of unit based pricing to do business within the City limits of Storm Lake.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-11 Collection Equipment

All garbage and recyclable materials as well as yard waste must be transported in factory-made compaction equipment as recognized by the waste industry.
(Ord. 15-O-2003-2004, Amended, 06/21/2004)

Section 3-1-12 Alley Embargo

The Mayor is hereby authorized to place an embargo on the use of all unpaved alleys for the purpose of collection of garbage, recyclable materials and yard waste when weather and ground conditions are such that the use of the alleys by garbage collection equipment would cause unusual damage to the alley. When such embargoes are in effect, all persons shall, on collection days, place their garbage cans or bags next to the street for collection.
(Ord. 15-O-2003-2004, Add, 06/21/2004)

Section 3-1-13 Disposal

All persons collecting garbage, recyclable materials and yard waste by contract or under permit shall utilize an approved landfill or other approved disposal facility for the deposit of such collected garbage and rubbish.
(Ord. 15-O-2003-2004, Add, 06/21/2004)

Section 3-1-14 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa."

(Ord. 15-O-2003-2004, Add, 06/21/2004)

Chapter 3-2

SANITARY SEWERS

Sections:

3-2-1	Definitions
3-2-2	Use Of Public Sewers Required
3-2-3	Private Wastewater Disposal
3-2-4	Building Sewers And Connections
3-2-5	Use Of The Public Sewers
3-2-6	Destruction; Misuse Of Wastewater Facilities
3-2-7	Powers And Authority Of Inspectors
3-2-8	Penalties
3-2-9	Sewer Lines No Longer In Use
3-2-10	Users Outside City
Section 3-2-1	Definitions

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

(A) "APPROVING AUTHORITY" shall mean the City Council of the City of Storm Lake, or its duly authorized board, agent or representative.

(B) "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees (20°) Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(C) "BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

(D) "BUILDING SEWER" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

(E) "CITY" shall mean the City of Storm Lake, Iowa, or any authorized person acting in its behalf.

(F) "COD" (Chemical Oxygen Demand) shall mean the oxygen equivalent of that portion of the organic and inorganic matter in a sample of wastewater, expressed in parts per million by weight, that can be oxidized by a strong chemical oxidizing agent. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(G) "COLLECTION SYSTEM" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial wastes.

(H) "COMBINED SEWER" shall mean a sewer intended to receive both wastewater and storm or surface water.

(I) "DOMESTIC WASTEWATER" shall mean water-borne wastes, normally discharged into the sanitary conveniences of dwellings (including apartment houses and hotels), or office buildings, free of storm and surface water and non-domestic wastes.

(J) "EASEMENT" shall mean an acquired legal right for the specific use of land owned by others.

(K) "FLOATABLE OIL" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(L) "GARBAGE" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving foods.

(M) "NATURAL OUTLET" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

(N) "NON-DOMESTIC WASTE" shall mean the wastewater from industrial processes, trades or businesses as distinct from domestic wastewater. This includes any potential infectious disease-bearing wastes.

(O) "NORMAL DOMESTIC WASTEWATER" shall mean normal wastewater for the City of Storm Lake in which the average concentration of suspended materials and five (5) day BOD is established at not greater than two hundred (200) parts per million each, by weight. The COD of normal domestic wastewater shall not exceed four hundred (400) parts per million.

(P) "MAY" is permissive (see "shall", subsection [Y]).

(Q) "PARTS PER MILLION" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. Parts per million and milligrams per liter (Mg/l) shall be synonymous terms.

(R) "PERSON" shall mean any individual, firm, company, association, society, corporation, or group.

(S) "pH" shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 grams and a hydrogenion concentration of 0.000,000,1 grams/liter, or 10^{-7} grams per liter.

(T) "PROPERLY SHREDDED GARBAGE" shall mean 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 (1/2") (1.27 centimeters) in any dimension.

(U) "PUBLIC SEWER" shall mean a common sewer controlled by a governmental agency or public utility.

(V) "SANITARY SEWER" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(W) "SEWAGE" is the spent water of a community. The preferred term is "wastewater", subsection (II).

(X) "SEWER" shall mean a pipe or conduit that carries wastewater or drainage water.

(Y) "SHALL" is mandatory (see "may", subsection [P]).

(Z) "SLUG" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(AA) "STANDARD METHODS" shall mean the examination and analytical procedures set forth in the latest Edition at the time of the analysis of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, the Water Pollution Control Federation, and the American Water Works Association.

(BB) "STORM DRAIN" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

(CC) "STORM WATER RUN-OFF" shall mean that portion of the rainfall that is drained into the storm sewers or storm drains.

(DD) "SUMP PUMP" shall mean a pump for disposing of storm drainage.

(EE) "SUPERINTENDENT" shall mean the Superintendent of Wastewater Facilities of the City, or his authorized deputy, agent, or representative.

(FF) "SUSPENDED SOLIDS" shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

(GG) "UNPOLLUTED WATER" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(HH) "WASTE" as used herein shall be synonymous with wastewater.

(II) "WASTEWATER" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

(JJ) "WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(KK) "WASTEWATER TREATMENT FACILITIES" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Plant" or "Water Pollution Control Plant".

(LL) "WATERCOURSE" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Section 3-2-2 Use Of Public Sewers Required

(A) It shall be 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 jurisdiction, any human or animal excrement, garbage or objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the City, or in any area under City jurisdiction, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(D) The owner(s) 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 hereby required at the owner(s)' 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 Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') of the property line.

Section 3-2-3 Private Wastewater Disposal

(A) Where a public sanitary or combined sewer is not available under the provisions of Section 3-2-2(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

(B) Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit issued by the Approving Authority. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Approving Authority. A permit and inspection fee, in the amount set by Council Resolution, shall be paid to the City at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. The Approving Authority shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the approving authority.

(D) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Iowa. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available within one hundred (100) feet to a property served by a private wastewater disposal system, as provided in Section 3-2-3(D), a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Chapter, and any septic tanks,

cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. Cost sharing with the City shall be available to the extent provided in Chapter 7 of this Title.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

(G) No statement contained in this Article shall be construed to interfere with additional requirements that may be imposed by the Health Officer, or the State of Iowa.

(Ord. No. 289495, Amended, 04/03/95)

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-2-4 Building Sewers And Connections

(A) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority. The City as Approving Authority shall have the sole discretion to determine and designate the point of connection for every sewer service line to the sewer main and no connection shall be made except at the location so designated.

(B) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing non-domestic wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the City. The permit shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the approving authority. A permit and inspection fee, - in the amount set by Council Resolution, shall be paid to the City at the time the application is filed. In addition to the sewer permit, the applicant for a permit shall also pay to the City, at the time the sewer permit is purchased, a sewer connection charge in the amount set by Resolution of the City Council for each sewer connection.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the rear building drain may be extended to the front building and the whole considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this Ordinance.

(F) The size, slope, alignment, materials of construction of a building sewer, the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.

(G) 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 wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Approving Authority.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code and all other applicable rules and regulations of the City and the sewer service line shall otherwise be constructed in accordance with City specifications. All such connections shall be gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(J) The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Approving Authority.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Barricades, lights and signing shall be provided by the contractor and shall be placed in accordance with the specifications of the Manual of Uniform Traffic Code Devices then in effect. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-2-5 Use Of The Public Sewers

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof run-off, subsurface drainage, or cooling water to any sewer. Storm water run-off from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

(B) Storm water other than that exempted under Section 3-2-5(A), 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 Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and in accordance with the provisions of State and Federal regulations, to a storm sewer, combined sewer, or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, petroleum-based product or other flammable or explosive liquid, solid or gas.
2. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, result in a violation of State or Federal water quality standards, or create any hazard in the wastewater treatment plant or the receiving waters.

3. Any waters or wastes having a pH lower than 6.0, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities. Exceptions may be granted (by the Approving Authority) for short duration flows where it has been, or can be shown that high or low pH would not cause any significant wastewater facilities problems.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or after passage through garbage grinder.

(D) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming the opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (65° Celsius).
2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
3. Wastewater from industrial plants containing floatable oil, fat or grease.
4. Any garbage that has not been properly shredded (See Section 3-2-1). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or consumption elsewhere when served by caterers.
5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
7. Any radioactive materials of such half-life or concentration as may exceed limits established by the Approving Authority, or applicable State and Federal regulations.
8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

9. Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facilities effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(E) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3-2-5(D), and which in the judgment of the Approving Authority may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-2-5(J).

If the Approving Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the Approving Authority.

(F) Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 3-2-5(D)3, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and, shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.

(H) When required by the Approving Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Approving Authority. The structure shall be installed by the owner as his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made to this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(J) No statement contained in this Section 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.

Section 3-2-6 Destruction; Misuse Of Wastewater Facilities

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 3-2-7 Powers And Authority Of Inspectors

(A) Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of this Ordinance.

(B) The Approving Authority or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in Section 3-2-7(A) above, 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 the City employees, and 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 3-2-5[H]).

(D) 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 wastewater facilities 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.

Section 3-2-8 Penalties

(A) Any person found to be violating any provision of this Ordinance except Section 3-3-6 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.

(B) A violation of any of the provisions of this chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

(C) Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 3-2-9 Sewer Lines No Longer In Use

The owner of every lot on which is installed a sewer service line which is, in turn, connected to the City sewer main shall, at the owner's expense, cause the service line to be disconnected and removed from the main in accordance with the City specifications if the building serviced shall be or shall have been previously demolished, removed, damaged beyond repair or abandoned, or if sewer service to the building serviced shall have been permanently discontinued.

Section 3-2-10 Users Outside City

From and after the date and passage of this section, no permit to connect to the City sewer system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City unless the property owner shall contractually agree to institute voluntary annexation procedures with regard to the property whenever the property becomes contiguous to the City limits or when requested by the City and providing that the City Council, by a four-fifths (4/5) majority of all members, shall approve such connection as in the best interest of the City. Any extension of the sewer system outside the City limits under this section, including both sewer main and sewer service lines, shall be done at the cost of the property owner requesting such extension.

Chapter 3-3

SEWER RATES

3-3-1	Statement of Policy
3-3-2	Definitions
3-3-3	Operation, Maintenance and Replacement Fund
3-3-4	Rate Schedule
3-3-5	Payment, Penalty, Lien, and Deposit For Sewer
3-3-6	Review Of Rate Structure

Section 3-3-1 Statement of Policy

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

Section 3-3-2 Definitions

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

(A) "BOD (Biochemical Oxygen Demand)": The quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty degrees Centigrade (20° C). The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(B) "NORMAL DOMESTIC WASTEWATER": Normal wastewater for the City of Storm Lake in which the average concentration of suspended materials and five (5) days BOD is established at not greater than two hundred (200) parts per million each, by weight, ammonia nitrogen (NH₃-N) is no greater than thirty (30) parts per million by weight, and Total Suspended Solids is no greater than two hundred (200) parts per million.

(C) "OPERATION AND MAINTENANCE": All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

(D) "REPLACEMENT": Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(E) "RESIDENTIAL CONTRIBUTOR": Any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

(F) "SHALL": Is mandatory; "May" is permissive.

(G) "TREATMENT WORKS": 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 of residues resulting from such treatment (including land for composting sludge, temporary storage of such wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of Municipal waste or industrial waste, including waste in combined storm water and sanitary systems.

(H) "TSS" (Total Suspended Solids): 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.

(I) "USEFUL LIFE": The estimated period during which a treatment works will be operated.

(J) "USER CHARGE": That portion of the total wastewater service charge which is levied in proportional and adequate manner for the cost of operation, maintenance, and replacement of that treatment works.

(K) "WATER METER": A water volume measuring and recording device, furnished and/or installed by the City of Storm Lake or furnished and/or installed by a user and approved by the City of Storm Lake.

Section 3-3-3 Operation, Maintenance and Replacement Fund

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

(B) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 3-3-4, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:

1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account).
2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of twenty thousand dollars (\$20,000.00) annually.

(C) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purpose than those designed for these accounts. Monies which have been transferred from other sources to meet

temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment to the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 3-3-4 Rate Schedule

(A) Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.

(B) Each contributor shall pay a base user charge of ten dollars and forty cents (\$10.40) per month per water meter utilized by such contributor and which charge shall be in addition to the charges set forth in subsections (D) and (E) which follow.

In addition the base user charge shall automatically increase effective February 1, 2009 to eleven dollars and thirteen cents (\$11.13) per month per water meter utilized by such contributor, then effective January 1, 2010 to eleven dollars and ninety-one cents (\$11.91) per month per water meter utilized by such contributor, then effective January 1, 2011 to twelve dollars and seventy-four cents (\$12.74) per month per water meter utilized by such contributor, and then effective beginning January 1, 2012 and every year thereafter the base user charge shall automatically increase to thirteen dollars and sixty-three cents (\$13.63) per month per water meter utilized by such contributor.

If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the base user charge shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling unit includes separate apartments, condominiums, mobile homes, or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel or motel rooms, or boarding rooms without separate kitchen and bath facilities.

(C) Amount of hydraulic loading subject to user charge:

1. In addition to the base rate, all residential contributors shall pay monthly user charges which will be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a residential contributor uses water for lawn watering which is not returned to the collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.
2. In addition to the base rate, all industrial and commercial contributors, which shall include all contributors who do not qualify as residential contributors, monthly user charges shall be based on all water used by that contributor for that month at the rate set forth in subparagraph (D). If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

(D) Each contributor shall pay a user service charge for operation and maintenance including replacement and debt service of two dollars (\$2.00) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section. In addition, the user service charge for operation and maintenance including replacement and debt service shall increase effective February 1, 2009 to two

dollars fourteen cents (\$2.14) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section, then effective January 1, 2010 to two dollars and twenty-nine cents (\$2.29) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section, then effective January 1, 2011 to two dollars and forty-five cents (\$2.45) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section, and effective January 1, 2012 and every year thereafter the user service charge for operation and maintenance including replacement and debt service shall increase to two dollars and sixty-two cents (\$2.62) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding Section.

(E) For those contributors who contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge shall be paid. The surcharge for operation and maintenance including replacement is:

\$.23 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective February 1, 2009 \$.25 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective January 1, 2010 \$.26 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective January 1, 2011 \$.28 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

Effective January 1, 2012 \$.30 per pound BOD in excess of the BOD concentration in normal domestic wastewater;

\$.19 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective February 1, 2009 \$.20 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective January 1, 2010 \$.22 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective January 1, 2011 \$.23 per pound TSS in excess of the TSS concentration in normal domestic wastewater;

Effective January 1, 2012 \$.25 per pound TSS in excess of the TSS concentration in normal domestic wastewater.

\$.87 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective February 1, 2009 \$.93 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective January 1, 2010 \$ 1.00 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective January 1, 2011 \$ 1.07 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

Effective January 1, 2012 \$ 1.14 per pound ammonia nitrogen in excess of the ammonia nitrogen concentration in normal domestic wastewater.

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

(G) The user charge rates established in this Section apply to all users of the domestic wastewater treatment facility located within the City limits. User charge rates for contributors outside of the City

limits whose rates are not established by contract shall be as determined by resolution of the Council, but they shall not be less than the user charge rates established for users located within the City limits. User charge rates for contributors located outside the City limits which are presently established by contract shall be honored for the duration of the contract but no renewal or modification of that contract shall be made which does not provide that the contributor shall pay user charge rates at least equal to those charged to users located within the City limits.

(Ord. 07-O-2008-2009, Amended, 01/05/2009; Ord. 04-O-2004-2005, Amended, 10/03/2005)

Section 3-3-5 Payment, Penalty, Lien, and Deposit For Sewer

(A) Payment and Penalty: All users shall be billed monthly. Billings for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made. Any payment not received within fifteen (15) days after the billing is made shall be delinquent. There will be an additional ten percent (10%) charge for sewer charges not paid within fifteen (15) days after the same becomes due and payable.

(B) Lien: The City shall have a lien upon the property served by the sanitary utility for all delinquent rates and charges. The City Clerk shall certify within ten (10) days of the following dates, to the County Auditor for collection with and in the same manner as property taxes and to establish the property lines, all rates and charges which be delinquent over thirty (30) days on the first of March, June, September and December.

(C) Combined Utility Deposit:

1. A combined utility deposit will apply according to 3-9 of the City Code.

(Ord. 17-O-2005-2006, Amended, 06/19/2006; Ord. 05-O-2001-2002, Amended, 09/17/2001)

Section 3-3-6 Review Of Rate Structure

(A) The City shall review the user charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Chapter 3-4

WATERWORKS

Sections:

- 3-4-1 Rules, Regulations
 - 3-4-2 Permit Required
 - 3-4-3 Application For Permit
 - 3-4-4 Permit Issued
 - 3-4-5 Permit And Connection Fees
 - 3-4-6 Users Outside City
 - 3-4-7 Supervision Of Work
 - 3-4-8 Consumer To Permit Inspection
 - 3-4-9 Applicants Charges
 - 3-4-10 Service Connections
 - 3-4-11 Service Pipe Extensions
 - 3-4-12 Service Pipes On Private Property
 - 3-4-13 Separate Connections
 - 3-4-13A Water Service in Mobile Home Parks
 - 3-4-14 Tapping Mains
 - 3-4-15 Maintenance Of Service Pipes
 - 3-4-16 Meters
 - 3-4-16A Stopcocks
 - 3-4-17 Location Of Meters
 - 3-4-18 Meters Out Of Order
 - 3-4-19 Owners To Protect Meters
 - 3-4-20 Testing Meters
 - 3-4-21 Reading Meters
 - 3-4-22 Fire Hydrants and Valves
 - 3-4-23 Shutting Off Water
 - 3-4-24 Right To Suspend Use
 - 3-4-25 City Not Liable
 - 3-4-26 No Cross Connections
 - 3-4-27 Application For Water
 - 3-4-28 Fluoride Installed, Water System
 - 3-4-29 Water Lines No Longer In Use
 - 3-4-30 Municipal Infraction
 - 3-4-31 Separation Distances
- Section 3-4-1 Rules, Regulations**

The rules, regulations and water rates, specified herein or set forth in Chapter 5 of this Title shall be considered a part of the contract with every person, who is supplied with water through the water system of the City and every such person, by taking water shall be considered to have expressed his assent to be bound thereby, and whenever any of them are violated or such others as the City may hereafter adopt, the City Administrator or his/her designee is empowered to cut off the supply of water from the property where such violation occurs.

Section 3-4-2 Permit Required

No person shall begin work on the construction, reconstruction, alteration or repair of any water pipes connected to the City water system in any building, or connecting water pipes to any main or part of said water system, unless he/she is a licensed plumber and before beginning such work has first obtained a permit for the same from the Code Enforcement Officer.

Section 3-4-3 Application For Permit

Any licensed plumber desiring such permit shall file with the Code Enforcement Officer an application in writing on the standard form provided by the City for such application, stating therein the location of such work, owner's name, the name of the plumbing contractor and the amount and nature of the work to be performed under the permit, and that such work is to be done in accordance with the provisions of this Code, and the rules and regulations of the local and State Boards of Health.

Section 3-4-4 Permit Issued

Upon approval by the Code Enforcement Officer of the application for a permit as provided in Section 3-4-3 hereof, he/she shall issue a water permit to the plumber applying therefor. Said permit shall not be in force or effect until all inspection and other fees as provided herein have been paid.

Section 3-4-5 Permit And Connection Fees

Fees shall be set by Council Resolution.
(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-6 Users Outside City

(A) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City if any portion of that property is contiguous to the City limits of the City of Storm Lake, Iowa.

(B) From and after the date of the passage of this Section, no permit to connect to the City water system or any part thereof shall be granted to any applicant to service property located outside the corporate limits of this City and not contiguous to said City limits unless the City Council, by a four-fifth (4/5) majority of all members, shall approve such connections as in the best interests of the City. As a special exception to the foregoing, Council approval shall not be required if the applicant is seeking to serve a single residence which may be serviced from an existing main, and which property is located within one-half (1/2) mile of the City limits (or within one-half (1/2) mile of an existing water main outside the City limits which is owned by the City of Storm Lake), provided that the applicant agrees to all of the other requirements set forth in Section 3-4-6(C).

(C) As a condition of providing water service to a noncontiguous property, the property owner or owners must sign a contract with the City agreeing to all of the following conditions:

1. The user to be serviced will be charged for the consumption of water at a rate equal to 150% of the rate charged to the City's residential consumers, and if the user is other than the property owner, the owner

must guarantee the payment of all charges for water consumption.

2. Each contract to supply water shall be for a specific term and which term shall not exceed ten years unless specific approval of a longer term shall be given by the City Council. The contract shall provide that, in the absence of a breach of contract by the opposite party, it cannot be terminated during the term of the contract except upon written consent of both the City and the property owner.

3. All water service line materials and associated items shall meet the most current City specifications.

4. Consumption of water shall be for human consumption and household use only. Water shall not be used for livestock, poultry or other farming operations.

5. The applicant must agree to quantity limits for usage which shall be set by the City staff in accordance with a formula developed by the City Administrator.

6. All costs for the hook up to the main and for the construction of the service line shall be paid by the applicant. In addition to the actual costs of connection to the water main, the applicant must agree to pay a hookup fee which must be paid prior to the installation of the line and which fee shall be determined on an annual basis by the Council.

7. The applicant and all users must agree by contract to adhere to all of the provisions of Title III, Chapter 4 of this Code relating to the respective rights and responsibilities of water consumers in the City of Storm Lake which are not inconsistent with this Section and further, all applicants and users must agree by contract to adhere to the provisions of Title III, Chapter 5 relating to water conservation measures at any time that such conservation measures are activated for residents of the City of Storm Lake.

8. All applicants and all users must agree that the City of Storm Lake shall be responsible only for the quality of the water and for the maintenance of the water main and they must acknowledge that the City shall not be liable for failure to supply a particular quantity of water provided that the City is operating in good faith and is not intentionally treating consumers outside the corporate limits differently than it is treating consumers within the corporate limits.

9. All applicants and/or users must agree that they will not resell water provided by the City of Storm Lake to any other consumer.

10. All contracts for water shall include a specific legal description of the real property to be served by water and which legal description shall be for the entire parcel of real estate owned by the applicant which is contiguous to the residence site for which water service is sought.

11. Each contract for the supply of water shall provide that for the term of the contract, the rights and obligations of the applicant shall run with the land and shall be binding on all successors, beneficiaries or assigns of the applicant property owner with regard to the real estate described.

12. Every applicant property owner must agree as a condition of receiving water to voluntarily annex to the City of Storm Lake at any time in the future when any boundary of the City of Storm Lake shall be contiguous to any boundary of the property receiving service. Each applicant must also agree that the applicant will not file nor permit to be filed on the applicant's behalf any resistance to a plan of involuntary annexation filed by the City with respect to the serviced property during the term of the contract.

13. All applicants must agree that breach of any of the requirements of Subsections C(1) through C(12)

shall be grounds for the City to bring an action in specific performance, or to terminate the water service, at the option of the City, or as a further option with respect to breaches of the provision relating to consumption (Subsections C(5) and C(7)), the City shall be entitled to charge a penalty rate for the excess water consumed at a rate to be set forth in the contract, but which rate shall not be less than 150% of the rates otherwise provided for in Subsection C(1).

(D) In addition to the provisions of Subparagraph c hereof, any applicant seeking City water who shall require the installation of a new water main shall agree in writing that all costs of construction of the water main shall be paid solely by the user or developer and that the water main shall meet all current City specifications and shall be of a size determined by the City staff and in no case less than six inches (6"). The applicant developer or user shall also agree to install fire hydrants as required by the City staff at the sole cost of the applicant.

(Ord. No. 049495, Amended, 10/03/94)

Section 3-4-7 Supervision Of Work

When a permit has been issued for water connections the doing of such work shall be under the supervision of the Street Superintendent, or his authorized representative at all times and until its completion and acceptance by the City, and he may revoke said permit at any time when such work is not being done in accordance with the provisions of this Chapter or the approved plans or permit; and if such permit is revoked, it will be unlawful for any person to proceed further with said work without written consent of the Street Superintendent. When a water permit has been issued, the work included therein shall be started within sixty (60) days from the date of the permit, and be completed within one year after the beginning of the work, otherwise such permit is null and void and a new permit must be obtained.

Section 3-4-8 Consumer To Permit Inspection

Every person owning or occupying property receiving a supply of water from the City or connected to the City main, shall permit any officer of the City at all hours of the day from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M. on or into their premises or building to examine the pipes and fixtures and the manner in which the water is being used, and they must at all times answer all questions relating to its consumption.

Section 3-4-9 Applicants Charges

Applicants for water will be charged for all service pipe and trenching from the center of the street and the Council shall have power to make such arrangements as they may deem expedient to carry this clause into effect. Said applicant is hereby charged with the duty of keeping all service pipes leading from the mains to the meter free from leaks and in good repair at all times, and any consumer who knowingly allows the same to become out of repair and leak or who shall fail to repair any such leaks within twenty-four (24) hours after being notified by the City Clerk or his designee will be charged for all water wasted the same as though it has passed through said consumer's meter. The City hereby reserves the right to render special services in connection with furnishing water such as installing and maintaining water service connections, and repairing leaks, at prices and terms to be determined from time to time by the Council. When no prices have been determined, charges shall be made at the actual cost of labor and material, plus twenty percent (20%) for overhead expenses.

Section 3-4-10 Service Connections

The laying of all service connections and pipes, setting of water service fixtures in streets, public grounds and in premises to be served City water, shall be made by employees of the City Street Department, or by duly licensed plumbers.

Section 3-4-11 Service Pipe Extensions

After a service connection has been laid, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with the water system unless he shall procure a written permit from the Code Enforcement Officer specifying the particular additions, repairs or alterations to be made, and shall perform such work in conformity with such permit, provisions of this Code, and the rules and regulations of the City.

Section 3-4-12 Service Pipes On Private Property

No consumer shall be permitted to install water pipes across lots or buildings or adjoining premises, but all service pipes shall be laid on streets, alleys or public ground to the premises to be served, and enter at the front or rear of the building nearest the main.

Section 3-4-13 Separate Connections

Not more than one single family, two family or multi-family dwelling unit or commercial or industrial unit shall be supplied with water from one service location provided nothing herein shall be construed to prohibit additional service connections, if approved by the City Administrator or his/her designee, for duplexes, multi-family units, or commercial or industrial units with more than one tenant if said tenants desire separate service lines. The requirements of the preceding sentence shall apply to all new construction commenced after the adoption of this ordinance and to any substantial reconstruction involving the replacement of the water service line and its connection at the water main.

If any building shall include five (5) or more units of residential, commercial, or industrial users, the water service line shall include a master meter which shall be located as close to the stop cock as possible unless otherwise specified by the City Administrator or his/her designee. The preceding sentence shall apply to all new construction commenced after the effective date of this ordinance or to any reconstruction involving the replacement of the existing service line.

If a master meter shall be installed in a service line, and if the various tenants served by the service line shall be separately metered as provided in 3-4-16, and if the total of the consumption for all of the individual meters shall be less than the total consumption shown on the master meter, the owner of the building, or the owner's association in the case of condominiums, shall be liable to the City for the difference between the total amount of water billed to the individual consumers and the total amount shown as consumed on the master meter.

Section 3-4-13A Water Service in Mobile Home Parks

(a) EXCEPTION. As an exception to the requirements of Section 3-4-13, water consumption in mobile home parks shall be measured only from the master meter or meters serving the mobile home parks and shall not be measured from meters serving the individual mobile homes. Water consumed shall be billed at the residential rate and shall be subject to the multiplier provision of Section 3-5-1(E).

(b) DEFINITION. Mobile Home Park: The term "Mobile Home Park" shall mean any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are parked and connected to utilities, either free of charge or for revenue purposes and shall include any buildings, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

(c) APPLICABILITY. The provisions of this Section shall become effective for water billings made on or after May 1, 2002.

(d) FINANCIAL RESPONSIBILITY. The owner of a mobile home park shall be liable for all water charges billed pursuant to this Section. Nothing contained herein shall be deemed to prohibit the owner of the mobile home park from in turn assessing the occupants of the mobile homes for their fair share of the cost of water provided."

(Ord. 10-O-2001-2002, Add, 02/04/2002)

Section 3-4-14 Tapping Mains

No person except those specifically authorized by the Code Enforcement Officer will be permitted to tap any water main, and in any case, all connections to the water main shall be at the location designated by the Code Enforcement Officer. The City shall furnish the water mains and the owner shall furnish the water services to the property line and which water service lines shall be of a type which is in conformance with City specifications and which water service line shall be installed in accordance with City specifications.

Section 3-4-15 Maintenance Of Service Pipes

All service pipes and fixtures from the street water main to the premises, including the corporation cocks at the mains and stop cocks shall be installed and maintained at the expense of the owners and any leaks or other defects in the same shall be promptly repaired by them, or if not promptly repaired, the water shall be turned off until such repairs have been made, and the expense incurred thereby shall be charged against such owner and must be paid before water shall again be turned on.

Stop cock locations shall not be in sidewalks, driveways, or any type of concrete improvement. Stop cocks shall be placed within and as close as otherwise practical to the boundary lines of the property owner's property. Exact stop cock location shall be as determined by the City.

In the event the City should discontinue and abandon the use of an existing water main and relocate the new water main on the opposite side of the street, the City will install, at the City's expense, that portion of the service pipe from the abandoned water main to the newly-installed water main.

Section 3-4-16 Meters

All water furnished consumers shall be metered. All meters shall be furnished by the City but paid for by

the consumer and shall be installed by a licensed plumber in accordance with City specifications at the building owner's expense and the building owner must provide a suitable location within the building piping system for said meter. Unless the City Administrator or his designee shall determine that the meter is readily accessible and available to be read at all times, all residential consumers shall also have installed a remote control meter reading device which shall be furnished and installed by the City at a building location to be determined by the City and with the cost paid by the property owner.

All residential, commercial and industrial buildings built or substantially reconstructed from and after the date of this Chapter shall provide separate meters for each unit of the building which shall measure all hot and cold water used or consumed in each individual unit, provided however that if the building is serviced by one central hot water heating system, or if hot water to the units is provided from one central hot water heater, and for so long as either of those conditions continue, the requirement that each unit be separately metered shall not apply and the building may instead be serviced by one master meter.

All residential, commercial and industrial buildings being newly constructed or reconstructed from and after the date of this chapter shall have included within their plans and thereafter installed wiring to service remote control reading devices with the exact location of wiring to be approved by the City, and to the extent that the preceding paragraph requires separate meters for each unit of a building, each such unit shall also be equipped with remote control meter reading devices.

Section 3-4-16A Stopcocks

All residential, commercial and industrial buildings separately metered, including apartment units, condominium units, or mobile homes which are separately metered, shall have a stopcock installed in the service line serving only that customer. The stopcock shall be installed prior to the meter and as close to the property line as possible. The stopcock shall be maintained at the owner's expense as provided in 3-4-15. If the location of a particular service line to an individual customer does not permit the installation of a stopcock, a shut off valve may be installed as an alternative with the approval of the City Administrator or his or her designee. Existing service lines serving an individual customer that do not have a stopcock, or alternatively, a shut off valve, which is installed and operational at the time of the adoption of this Ordinance shall comply with this Ordinance not later than December 1, 2001.
(Ord. Ord. 01-O-2001-2002, Add, 07/16/2001)

Section 3-4-17 Location Of Meters

All meters shall be so placed as to be easily accessible to meter readers and inspectors at all times. A remote controlled meter reading device shall be placed so as to allow the meter reader to read the meter from outside the building and without the necessity of entering the building, and in the event of a dispute as to location, the City shall have the final authority to determine the location of the remote meter.

Section 3-4-18 Meters Out Of Order

When meters or remote control meter reading devices shall fail to register or are inaccessible for reading, the consumer will be charged at average consumption as shown by the meter or remote control meter reading device when working.

Section 3-4-19 Owners To Protect Meters

The owner or occupant of premises where a meter or remote control meter reading device is installed shall be held responsible for its care and protection from freezing or hot water and from other damage or interference from any person. In case of any damage to the meter or remote control meter reading device, or in case of its stoppage or imperfect working, he shall give immediate notice to the office of the City Clerk. In all cases where the meters or remote control meter reading devices are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water or other damage except ordinary wear and tear, the necessary repairs to the meter or remote control meter reading device shall be made by the City and the costs of such repairs paid for by such owner or occupant, and in case payment thereof is neglected or refused, the water supply shall be turned off and shall not be turned on until full payment has been made, together with a fee, in the amount set by Council Resolution, for turning on the water again and a fee, in the amount set by Council Resolution, for posting the disconnect notice(door tag). Damaged meters or remote control meter reading devices may be repaired by the City without first giving notice thereof to the owner of the premises served by such meter or remote control reading device. (Every hot water heater and hot water storage tank must have a check valve on the supply pipe line and a suitable relief valve on the discharge line of such heater or tank.)

No one shall in any way interfere with the proper registration of a water meter or remote control meter reading device, and no one except an authorized employee of the Water Department shall break a seal of a meter or remote control meter reading device or shall remove, relocate or alter a remote meter; provided, however, that the City Administrator or City Clerk may grant written permits to licensed plumbers in case of emergency to break such seal for draining pipes or stopping water leaks.

(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 3-4-20 Testing Meters

In case there is a doubt on the part of the consumer as to the accuracy of a water meter or remote control meter reading device, he/she may have the meter or remote control meter reading device tested by the City at which test he/she may be present or have a representative present if he/she so desires, and if the meter or remote control meter reading device is found to register within two percent (2%) of being correct, a fee, in the amount set by Council Resolution, will be charged to pay for a part of the labor for making such tests. If the meter or remote control meter reading device is found to measure more than two percent (2%) incorrectly, no charge shall be made for making the test. If the meter or remote control meter reading device should be found to over-register more than two percent (2%) there shall be a proportional deduction made from the previous water bill. A water meter or remote control meter reading device shall be considered to register satisfactorily when it registers within two percent (2%) of accuracy.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 3-4-21 Reading Meters

Meters or remote control meter reading devices shall be read monthly and the amounts of water charged to the consumer together with any other charges which may be due from said property. All water passing through said meter will be charged for whether used or wasted.

Section 3-4-22 Fire Hydrants and Valves

No person except an authorized employee of the City in the discharge of his/her duty shall be permitted to open or close any valve or hydrant connected to the City water supply without the specific consent of the City Administrator to do so. No person except firemen in case of an emergency shall attempt to open any fire hydrant with a wrench other than the special hydrant wrench designed to fit the spindle nut.

Section 3-4-23 Shutting Off Water

The City reserves the right at any time, when necessary, without notice, to shut the water off at its mains for the making of repairs or extensions or for other purposes. The City shall give notice of shutting off water if conditions are such that it is possible to do so.

Section 3-4-24 Right To Suspend Use

The right is reserved to suspend the use of hose and fountains for sprinkling streets, lawns and gardens whenever, in the opinion of the City Administrator, a public emergency requires.

Section 3-4-25 City Not Liable

It is expressly stipulated that no claim shall be made against the City by reason of breaking of any service cock, or if from any cause the supply of water should fail, or from damage arising from shutting off the water to repair mains, make connections or extensions, or for any other purpose that may be deemed necessary. The right is hereby reserved to cut off the supply of water at any time, notwithstanding any permit granted to the contrary.

Section 3-4-26 No Cross Connections

No person shall cross-connect with the City water system or its appurtenances, with any other water system pumping or supplying water not supplied by the City. No owner or tenant of a residential structure, commercial building, industrial building or other structure supplied with water from a source other than the City shall be permitted to purchase water from the City provided, however, that private water systems that are designed and plumbed so that their use is strictly limited to the watering of lawns, shrubbery and trees, or the washing of vehicles, shall not disqualify the owner or tenant from purchasing water from the City.

(Ord. 18-O-2001-2002, Amended, 06/03/2002)

Section 3-4-27 Application For Water

Any person desiring a supply of water upon real estate owned or occupied by them must make application therefor to the Clerk.

Section 3-4-28 Fluoride Installed, Water System

(A) There shall be installed in the water system of the City of Storm Lake, Iowa, the necessary

equipment to provide a continuous and controlled addition of fluoride into the public water supply of the City.

(B) The Water Department of the City is directed to install said equipment and to operate the same for the addition, and supplementing of fluoride in continuous and controlled amounts of the public water supply of the City subject to inspection by and direction of the Iowa Department of Health.

(C) This ordinance shall be deemed a valid exercise of the general police power delegated to cities and towns by the General Assembly of the State of Iowa contained in Section 366.1 of the Code of Iowa.

Section 3-4-29 Water Lines No Longer In Use

The owner of every lot on which is installed a water service line which is in turn connected to the City water main shall, at the owner's expense, cause the service line to be disconnected and removed from the main in accordance with the City specifications if the building serviced shall be, or shall have been previously, demolished, removed, damaged beyond repair or abandoned, or if water service to the building serviced shall have been permanently discontinued.

Section 3-4-30 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal Infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Section 3-4-31 Separation Distances

No property owner within the city limits of the City of Storm Lake, Iowa shall permit any use of their property which would violate the separation distances required to protect water wells as set forth in Table A of the Iowa Administrative Code, Section 567-43.3(7)(455B).
(Ord. 13-O-2008-2009, Add, 05/18/2009)

Chapter 3-5

WATER RATES

Sections:

- 3-5-1 Water Rates**
 - 3-5-2 Payment, Penalty, and Deposit For Water**
 - 3-5-3 Cut-Offs**
 - 3-5-4 Water Shortages**
 - 3-5-5 Water Conservation Measures**
 - 3-5-6 Appeal And Adjustment**
 - 3-5-7 Premium Rate**
 - 3-5-8 Reduction In Flow Of Water To Any Customer**
 - 3-5-9 Exceptions To Water Conservation**
 - 3-5-10 Municipal Infraction**
- Section 3-5-1 Water Rates**

Effective for billings made on or after February 1, 2009, water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

- A base rate of \$8.57 for the first 1,500 gallons
- \$2.57 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

- A base rate of \$8.57 for the first 1,500 gallons
- \$2.57 per 1,000 gallons for the next 8,500 gallons.
- \$1.85 per 1,000 gallons for the next 150,000 gallons.
- \$1.78 per 1,000 gallons for the next 840,000 gallons.
- \$2.10 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2010 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

- A base rate of \$9.17 for the first 1,500 gallons
- \$2.75 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

- A base rate of \$9.17 for the first 1,500 gallons
- \$2.75 per 1,000 gallons for the next 8,500 gallons.
- \$1.98 per 1,000 gallons for the next 150,000 gallons.
- \$1.90 per 1,000 gallons for the next 840,000 gallons.
- \$2.24 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2011 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$9.81 for the first 1,500 gallons
\$2.94 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$9.81 for the first 1,500 gallons
\$2.94 per 1,000 gallons for the next 8,500 gallons.
\$2.12 per 1,000 gallons for the next 150,000 gallons.
\$2.03 per 1,000 gallons for the next 840,000 gallons.
\$2.40 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after January 1, 2012 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$10.50 for the first 1,500 gallons
\$3.15 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$10.50 for the first 1,500 gallons
\$3.15 per 1,000 gallons for the next 8,500 gallons.
\$2.27 per 1,000 gallons for the next 150,000 gallons.
\$2.18 per 1,000 gallons for the next 840,000 gallons.
\$2.57 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

The City Council may, by written contract, provide for commercial and industrial rates that are at variance with those set forth above if those same contracts provide long term guarantees that minimum payments will be made to the city to cover future bonded indebtedness during the term of the contract.

(C) If a single meter serves a property or area containing one or more multiple dwellings, or an area or property with several residential dwellings, the residential rate shall apply.

(D) If a single meter serves an area or property that is used for both residential purposes and for commercial and industrial purposes, the rate for the use that constitutes the majority of the consumption of water shall be used; or, the City Council may order that separate meters be installed to measure the water consumed by each such use.

(E) Effective February 1, 2009 the minimum rate for each user of 1,500 gallons or less shall be eight dollars and fifty-seven cents (\$8.57) per month, per meter, effective January 1, 2010 the minimum rate for each user of 1,500 gallons or less shall be nine dollars and seventeen cents (\$9.17) per month, per meter, effective January 1, 2011 the minimum rate for each user of 1,500 gallons or less shall be nine dollars and eighty-one cents (\$9.81) per month, per meter, and effective January 1, 2012 the minimum rate for each user of 1,500 gallons or less shall be ten dollars and fifty cents (\$10.50) per month, per meter. If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the minimum rate shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling includes separate apartments, condominiums, mobile homes or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel rooms, motel rooms or boarding rooms without separate kitchen and bath facilities.

(F) Definitions:

1. "RESIDENTIAL CONSUMER": A consumer purchasing water for single or multi-family dwelling

units whether or not such units are used exclusively for family living purposes.

2. "COMMERCIAL CONSUMER": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is less than one hundred sixty thousand (160,000) gallons per month.
3. "INDUSTRIAL CONSUMERS": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is more than one hundred sixty thousand (160,000) gallons per month.
(Ord. 07-O-2008-2009, Amended, 01/05/2009; Ord. 7-O-2002-2003, Amended, 03/17/2003; Ord. 17-O-2001-2002, Amended, 06/17/2002; Ord. 13-O-2001-2002, Amended, 02/18/2002; Ord. 11-O-2001-2002, Amended, 02/04/2002)

Section 3-5-2 Payment, Penalty, and Deposit For Water

(A) Payment and Penalty: The water rates or rents shall be due and payable monthly at the office of the Clerk on the first day of each month and in case the possession of any property shall change, the amount due for water shall be due and payable at once by the outgoing tenant. Water shall be turned on after a new connection has been made under the direction of the City Administrator or his/her designee and it shall be the duty of the City Administrator or his/her designee to keep a map in the office of the Clerk showing all water mains and connections made thereto. As soon as the same have been completed, the City Administrator or his/her designee shall report to the Clerk the completion of such connection and the name of the water taker shall be then entered upon the books of said Clerk. In addition to any other remedy hereinafter provided, there will be an additional ten percent (10%) charge for water rents not paid within fifteen (15) days after the same becomes due and payable. The ten percent (10%) charge shall be based upon the total of water rents, sewer rents and landfill charges shown on the subject bill.

(B) Combined Utility Deposit: 1.A combined utility deposit will apply according to 3-9 of City Code.
(Ord. 17-O-2005-2006, Amended, 06/19/2006; Ord. 05-O-2001-2002, Amended, 09/17/2001)

Section 3-5-3 Cut-Offs

Any water rents not paid within fifteen (15) days after the same becomes due shall be deemed delinquent and the Clerk shall at once order the water supply cut off until such rent is paid together with a fee, in the amount set by Council Resolution, to cover the costs of the turning off and on of such water supply. A disconnect notice will be posted at the premises and a fee, in the amount set by Council Resolution, will be added to the delinquent account to cover the cost of posting the notice. All meters where possible shall be placed within the building taking water in such location as to be easily accessible to the person reading the same and shall be carefully protected from frost or damage of any kind, and it shall be the duty of the water user to notify the Clerk in case of any defect in his/her meter.
(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 3-5-4 Water Shortages

During and following drought conditions which may occur from time to time, the supply of water available to the Storm Lake Water Plant may become significantly and seriously depleted so that there will not then be sufficient supply of water to meet the customary and usual demand indefinitely. There may also be times when, because of plant failure or design limitations, the demand for water exceeds the capability of the water plant to produce treated water. Under those conditions, the City Council may find

and declare by resolution, a public emergency water shortage, during which time it may require any or all of the water conservation methods set forth in Section 3-5-5 of this Chapter for the purpose of producing an orderly and equitable curtailment of water consumption until, by resolution, the Council finds and declares the water shortage emergency to be ended. The Council may specifically authorize by resolution any of the water conservation measures set forth in Section 3-5-5, and in addition, or in the alternative, it may authorize the Mayor or City Administrator, or both to designate by proclamation which water conservation measures or additional water conservation measures shall apply.

(Ord. 01-O-2002-2003, Amended, 07/15/2002)

Section 3-5-5 Water Conservation Measures

The Council by resolution, or the Mayor or City Administrator by proclamation, if authorized, may select from among the following water conservation measures:

(A) There may be restrictions on the watering of lawns, gardens, plants, trees or shrubs including but not limited to a total ban on such watering, alternate day watering or watering limited to not more than a certain amount of watering within a certain specified period of time or within a particular time frame. In this connection, if circumstances so permit, restrictions may also be varied as between lawns, gardens, plants, trees and shrubs, and restrictions may be varied as between established lawns and plantings as compared to new seeding or sod or new plantings.

(B) There may be restrictions or complete prohibitions against noncommercial vehicle washing or commercial vehicle washing or both.

(C) There may be restrictions or complete prohibitions against the filling of private swimming pools, children's wading pools, or any other outdoor pool of any kind or description.

(D) Each customer may be required to achieve a particular percentage reduction in water usage as compared to a prior period water usage and be subject to the payment of a premium rate over and above the normal rate in the event such percentage reduction is not achieved. The amount of percentage reduction and the base period for comparison purposes shall be established by resolution or proclamation as previously set forth. The premium rate shall be as set forth in Section 3-5-7 of this Chapter.

(E) The Council, but not the Mayor or City Administrator, may set a base allocation for every customer of the Storm Lake water system, and if the consumption of a particular customer exceeds the base allocation, that customer shall pay, in addition to the regular rate for water consumption, the premium rate set forth in Section 3-5-7 for excessive consumption.

Section 3-5-6 Appeal And Adjustment

(A) Base Allocation: In the event that the Council establishes a base allocation by resolution, any customer of the Storm Lake water system may file an appeal with the City Administrator to adjust the base allocation amount. The City Administrator may grant an adjustment to the appellant based on the following criteria:

1. For single-family residential use, the base allocation may be increased to two hundred (200) cubic feet per person per billing period for all individuals residing at the appellant's residence for a period more than thirty (30) days.

2. For commercial, industrial, institutional or other residential use, the base allocation may be increased based on facts appropriate to the individual customer as, for example, the average of the water bill during the previous winter (November through April), production, service, or occupancy data provided by customer.

(B) Premium Rate Charges: Any customer may file for adjustment of the premium rate charges for excessive water consumption with the City Administrator. The City Administrator may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. The cause of the high consumption must be mechanical in nature (such as broken or leaky pipes or fixtures) rather than human carelessness.
2. The customer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment may be granted only for the billing period prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjustment premium rate shall be two dollars (\$2.00) per one thousand (1,000) gallons which shall be in addition to the normal rate.

Section 3-5-7 Premium Rate

At such times as there may be restrictions on consumption which is violated give rise to a premium rate, the premium rate shall be the amount of two cents (\$0.02) per gallon of excess water consumed.

Section 3-5-8 Reduction In Flow Of Water To Any Customer

The City Administrator is authorized, after giving notice and opportunity for hearing, to reduce the flow of water to any customer determined to be using water in any manner not in accordance with this Chapter or a resolution or proclamation issued pursuant to Section 3-5-4.

Section 3-5-9 Exceptions To Water Conservation

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than from the Storm Lake Municipal water system, such as water condensed from the atmosphere by air conditioners or collected from rain or snow may be used without restriction.

Section 3-5-10 Municipal Infraction

A violation of any of the provisions of this chapter or of a resolution or proclamation issued pursuant to Section 3-5-4 of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of

Iowa, and the fact that the customer has been charged or paid the premium rate authorized by Section 3-5-7 shall not constitute a bar to prosecution of the Municipal infraction.

Chapter 3-6

SOLID WASTE DISPOSAL

Sections:

3-6-1	Purpose
3-6-2	Who Shall Pay Fee
3-6-3	Rate Of Fee And Manner Of Payment
3-6-4	Lien On Property
3-6-5	Date Of Payment

Section 3-6-1 Purpose

The purpose of this Ordinance is to provide for the collection from all persons residing within this City sufficient fees to pay for the cost, including the cost of establishment, maintenance and operation, of a sanitary landfill disposal site.

Section 3-6-2 Who Shall Pay Fee

Every person, firm, or corporation whose premises are now or will be hereafter directly or indirectly benefitted by the establishment, maintenance and operation of a sanitary landfill site shall pay to the City the fee as hereinafter set forth and in the manner so provided.

Section 3-6-3 Rate Of Fee And Manner Of Payment

The fee for the purposes set forth in this Chapter shall be as follows:

- (A) For all dwelling units, the fee shall be nine dollars (\$9.00) per month;
- (B) For each business establishment, the fee shall be eleven dollars and fifty cents (\$11.50) per month.

This fee shall be included on and paid with the water bill at the time payment of the water bill is due, effective June 1, 2010.

If there are buildings or mobile home parks within the City containing more than one dwelling unit or business establishment and all such units or establishments do not have separate water meters, or, although separately metered, the water consumption for City billing purposes is measured only off of a master meter or meters, then the fee for any such unit or establishment shall be included on and paid with the water bill of the owner of such building.

In the event that there are people occupying the premises within the City that do not use City water, then the City Clerk shall transmit a bill to the owner or occupant of such premises for the fees established hereunder, contemporaneously with the transmittal of the water bills.

(Ord. No. 169495, Amended, 03/20/95; Ord. 14-O-2009-2010, Amended, 04/05/2010; Ord. 10-O-2008-2009, Amended, 04/20/2009; Ord. 09-O-2003-2004, Amended, 03/01/2004; Ord. 08-O-2002-2003, Amended, 04/21/2003; Ord. 10-O-2001-2002, Amended, 02/04/2002; Ord. 12-O-2001-2002, Amended, 02/04/2002)

Section 3-6-4 Lien On Property

If the fees established hereunder are not paid when due, then such amounts shall constitute a lien on the property served and such amounts shall be collected in the same manner as are ordinary taxes and assessments.

Section 3-6-5 Date Of Payment

All fees herein established shall be due and payable on the same date as are the water rates or rents as is provided for in Title 3, Chapter 5 of this City Code.

Chapter 3-7

EXTENSIONS OF SEWER AND WATER LINES WITHIN THE CITY LIMITS

Sections:

3-7-1	Purpose
3-7-2	Definitions, Measurements And Rules Of Construction
3-7-3	Cost Paid By Owner
3-7-4	Costs Paid In Whole Or In Part By The City
3-7-5	Computation Of Costs To Be Paid By The City
3-7-6	Extension Connection Fee
3-7-7	Developer Reimbursement
3-7-8	Relationship To Other Laws
Section 3-7-1	Purpose

The purpose of this Chapter is to set forth the extent to which the City will pay for all or part of the cost of extending water, sanitary or storm sewer service to a property located within the City that is not so served.

Section 3-7-2 Definitions, Measurements And Rules Of Construction

For the purposes of this Chapter:

(A) The term "property" shall mean one or more lots or tracts of land, or a subdivision or proposed subdivision, or an entire parcel of land that has been annexed to the City;

(B) The phrase "useable public service line" or similar phrase, shall mean the sewer or water line owned by the City that, in the judgment of the City, is adequate to service the particular property;

(C) Measurements relating to any new service line shall begin from a point on the property line of the entire property to be served where such service line will enter the property. Such point of entrance on the property line shall be as close as is feasible to the nearest useable service line, employing the most direct available route from the particular property to such useable public service line;

(D) The phrase "additional equipment" shall mean pumping or lift stations and like equipment. Force mains shall be considered standard equipment rather than additional equipment for the purposes of this Chapter.

Section 3-7-3 Cost Paid By Owner

Whenever a property is located not more than one hundred feet (100') from an existing useable public sewer or water line, all costs of construction of a service line (including all costs of additional equipment) from the property line of the property to be served to the existing useable service line shall be paid by the owner of the property to be served.

Section 3-7-4 Costs Paid In Whole Or In Part By The City

If the property to be served is located more than one hundred feet (100') from an existing useable public sewer or water service line, the property owner will construct the first one hundred feet (100') of the service line (including any additional equipment) in accordance with the terms of Section 3-7-3 of this Chapter. To the extent that the service line exceeds one hundred feet (100'), the City will construct or cause to be constructed, at its expense, not more than one hundred feet (100') of the remaining portion of the service line.

Section 3-7-5 Computation Of Costs To Be Paid By The City

The portion of any such service line to be constructed at the expense of the City shall be computed on an average per foot basis in the following manner:

(A) The costs of construction of the first one hundred feet (100') of the service line, to be paid for entirely by the owner as provided in this Chapter, shall be disregarded;

(B) The cost of construction of the remaining portion of the line shall be computed and that cost will be divided by the number of linear feet of pipe included in such remaining portion. The City will pay for the construction of not more than one hundred feet (100') of such remaining portion of the service line at the average cost computed in accordance with this Section;

(C) If additional equipment is required to be installed in connection with the remaining portion of the service line, the cost of such additional equipment shall not be used in computing the City's share of the cost of construction of the remaining portion of the service line. However, if the City Council determines that any such additional equipment would be of some benefit to the City in general, the Council may, in its discretion, agree to pay for a portion of the costs of such additional equipment, but in no event shall the City's contribution in this regard exceed one-half (1/2) of the total cost of such additional equipment. It is further expressly stated that if the City requires installation of sanitary sewer pipe in excess of eight inches (8") in diameter, or, a water pipe in excess of six inches (6") in diameter, the additional costs resulting from such requirement shall be paid for by the City.

Section 3-7-6 Extension Connection Fee

If any property owner shall apply to connect to a sewer service line or water service line which has been installed within the preceding ten (10) years by the City, or by the City and another property owner in combination, the new connecting property owner shall pay to the City an extension connection fee, which shall be in addition to the connection fees provided in Section 3-2-4B and 3-4-5, and subject to the following limitations and requirements:

(A) The actual cost of constructing the original service line must have been certified to the City Clerk within one hundred twenty (120) days of completion of the construction by the constructing property owner unless the service line extension was included in a City improvement project and paid for by the City.

(B) If the service line installed was greater than eight inches (8") in diameter for a sewer line, or six inches (6") in diameter for a water line, the cost of construction will be reduced as necessary to what the cost of construction would have been for an eight inch (8") sewer line or six inch (6") water line, as appropriate.

(C) The maximum connection fee shall be that portion of the total construction cost [reduced as necessary pursuant to subsection (B)] as the frontage of the connecting property owner's property bears to the total length of the original service line construction project. If a service line is designed to serve both sides of a street or alley, and both sides of the street or alley are within the City limits, the maximum connection fee shall be reduced by one-half (

Section 3-7-7 Developer Reimbursement

The City may by private contract agree to reimburse an original property owner, or developer for the cost of installing a water service line or sewer service line if new property owners make connection to it and pay to the City an extension connection fee, but the contract must provide that the total reimbursement will not exceed the share actually paid by the property owner or developer after credit for any costs paid by the City pursuant to 3-7-4, 3-7-5 and 3-7-6. The maximum amount which the City may reimburse to an original property owner or developer upon collection of a particular extension connection fee as the share of the original construction cost actually paid by the property owner or developer after credits as provided above bears to the total actual construction cost for the service line. Payments due a property owner or developer shall be paid within thirty (30) days from receipt of an extension connection fee.

Section 3-7-8 Relationship To Other Laws

This Chapter shall be construed to be in addition to the powers granted to cities under State law and in addition to this City's zoning and subdivision ordinances, rules and regulations.

Chapter 3-8

HAZARDOUS SUBSTANCES

Sections:

3-8-1	Purpose
3-8-2	Definitions
3-8-3	Cleanup Required
3-8-4	City Administrator's Responsibilities
3-8-5	Notifications
3-8-6	Municipal Infraction
Section 3-8-1	Purpose

In order to reduce the danger to public health, safety and welfare for the spills of hazardous substances these regulations are promulgated to establish responsibility for the removal and clean up of spills within the City limits.

Section 3-8-2 Definitions

For the purpose of this Chapter, these words have the followings meanings:

(A) "CLEANUP": The removal of the hazardous wastes or substances to a place where the waste will not cause any danger to persons or the environment, in accordance with State rules therefor or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable order as far as practicable.

(B) "HAZARDOUS CONDITION": The same as set out in Section 455B.381, subsection 4, 1993 Code of Iowa.

(C) "HAZARDOUS SUBSTANCE": Any substance as defined in Section 455B.381, subsection 5, 1993 Code of Iowa.

(D) "HAZARDOUS WASTE": Those wastes which are included by the definition in section 55B.411, subsection 3, 1993 Code of Iowa.

(E) "PERSON": Any individual, corporation, partnership, firm, association, cooperative or governmental agency of any kind.

(F) "RESPONSIBLE PERSON": The party, whether the owner, agent, lessor, or lessee, in charge of the hazardous substance or hazardous wastes being stored, processed, or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill of such hazardous substances or wastes would cause danger to the public or any person or to the environment.

(G) "TREATMENT": A method, technique, or process, including neutralization, designed to change the physical, chemical or biological charger or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amendable for recovery, amendable for storage,

or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

Section 3-8-3 Cleanup Required

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any water, including groundwaters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person and if more than one person shall be a responsible person as previously defined, each responsible person shall be jointly and severally responsible for the cost of cleanup. If the responsible person does not cause the cleanup to begin in a reasonable length of time in relation to the hazard and circumstances of the incident, the City Administrator shall serve upon the responsible person a reasonable notice, based upon the character of the hazardous condition, setting a deadline for accomplishing the cleanup and which notice shall provide that if the cleanup is not completed before said deadline that the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means.

Section 3-8-4 City Administrator's Responsibilities

When the City Administrator is notified of an existing hazardous condition, the City Administrator shall communicate, to the extent possible, with the responsible person to determine the responsible person's intentions with regard to clean up. If reasonable assurances of clean up are not promptly received, the City Administrator shall cause the notice described in Section 3-8-3 to be served upon the responsible person. If the hazardous condition is not corrected by the deadline set forth in the notice, the City Administrator shall cause the clean up to be accomplished by public employees or private contractors, as the Administrator deems appropriate, unless the costs of said clean up exceeds the City's financial capacity. If the cost of the clean up is beyond the capacity of the City to finance, the City Administrator shall report to the Council and immediately seek any State or Federal funds available for said clean up.

Section 3-8-5 Notifications

The first City officer or employee who arrives at the scene of an accident involving hazardous substances, if not a police officer, shall notify the Police Department of such hazardous condition. The Police Department, when notified of a hazardous condition, shall immediately notify the City Administrator of the hazardous condition, and the City Administrator, or the City Administrator's designated alternate employee, shall thereafter notify the State Department of Natural Resources of the hazardous condition in the manner required by that Department.

Section 3-8-6 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 3-9

COMBINED UTILITY DEPOSIT

Sections:

- 3-9-1 Purpose**
- 3-9-2 Definitions**

Section 3-9-1 Purpose

The purpose of this section is to establish a combined utility deposit for water, sewer, landfill and storm water utility services.

(Ord. 17-O-2005-2006, Add, 06/19/2006)

Section 3-9-2 Definitions

1. All customers applying for water, sanitary sewer, landfill, and/or storm water utility service to a property not owned by them shall be required to make a combined account 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.
2. No customer receiving water, sanitary sewer, landfill, and/or storm water utility service to a property not owned by the customer as of the effective date of this ordinance shall be required to make a combined account deposit as required above for so long as the customer remains at the same address provided, however, that if water to that customer is ever shut off by the city after the effective date of this ordinance for any reason attributable to the customer other than a temporary discontinuance requested by the customer, water to that customer shall not be turned back on until the combined account deposit required by this section has been paid.
3. A combined utility deposit sum for residential customers shall be adopted annually in an amount equal to the average quarterly charge for water, sanitary sewer, storm water, and landfill for all residential users for the previous twelve months.
4. Under no circumstances will deposits be used to pay past due accounts.
5. The original amount of the combined utility deposit will be refunded to the customer or credited to the customer's account after twenty-four (24) months of continued service so long as during this twenty-four month period there has been no notice of delinquency sent to the customer.
6. The combined utility deposit, less any unpaid charges for water, sewer, or landfill, shall be refunded without interest to the customer upon termination of the services.

(Ord. 17-O-2005-2006, Add, 06/19/2006)

Chapter 3-10

STORM WATER DRAINAGE UTILITY

Sections:

3-10-1	Purpose and Findings
3-10-2	Definitions
3-10-3	Storm Water Utility Established
3-10-4	Charges and Fees in General
3-10-5	Storm Water Utility User Charge
3-10-6	Calculation of Equivalent Residential Units and Amount of Charge
3-10-7	Billing
3-10-8	Delinquency, Collection, Interest and Penalties
3-10-9	Request for Service; Disconnection from Service; Use Reclassification, Termination of User Charges
3-10-10	Appeals
3-10-11	Severability Clause

Section 3-10-1 Purpose and Findings

(A) The purpose of this Ordinance is to establish the Storm Water Drainage Utility, authorize charges, rates and fees for use of, and discharge to, the storm and surface water drainage system; to provide a process for appeals from certain decisions of the City Council relating to such charges; and to provide for collection of delinquent charges.

(B) The City Council finds that the construction, operation and maintenance of the City's storm water system should be funded through user charges imposed for the discharge of storm and surface water to the storm water drainage system, thereby charging those persons and activities using or receiving service from that system.

The City may be required to provide increased quantity or quality controls to mitigate those impacts of pollutants from discharging storm and surface waters into the storm water system. Therefore, it is appropriate to impose a storm and surface water user charge upon all users of property which may discharge, directly or indirectly, into the storm water system.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-2 Definitions

The following words shall have the following definitions when used in this Ordinance, and any Resolution and Order adopted pursuant hereto, unless the context requires otherwise or unless such word is expressly defined otherwise:

(A) City. Shall mean the City of Storm Lake, Buena Vista County, Iowa, and shall include any representative or employee of the City authorized to act, in its behalf.

(B) Condominium. Shall mean individual dwelling units contained within a single structure with

multiple owners with each unit having a separate water meter.

(C) Council. Shall mean the City Council of Storm Lake, Iowa.

(D) Connection. The physical act or process of directing or allowing the flow of storm and surface waters to the storm sewer or drainage line, or joining onto a private storm sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It shall also include creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.

(E) Date of Imposition or Imposition Date. Shall mean July 1 of each fiscal year or such other date designated by the Council at which time a charge is imposed and becomes the legal obligation of the user. The obligation may include the cost of services to be provided during the billing period or for services previously provided to the same person under this Ordinance.

(F) Days. Shall mean calendar days unless otherwise specified.

(G) Equivalent Residential Unit or ERU. Means a measurement unit based on the impervious surface area of an average improved single family dwelling lot or parcel within the City (as determined by a statistical sampling performed by the City). Except as provided in Section 5, one equivalent residential unit shall be deemed to be 2,750 square feet of impervious material. See "Section 6, Flat Rate Users" for further clarification.

(H) Impervious Surface Area. Means all land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This shall include, but is not limited to: pavement, buildings, decks, parking areas, and compacted gravel areas. Impervious surface shall not include improved streets, roads and sidewalks within the public right-of-way. Rather such facilities are deemed to be part of the public surface water drainage conveyance system.

(I) Occupant. Shall mean the person residing or doing business on the property. In a family or household situation, the occupant responsible for the obligations herein imposed shall be the adult heads of the household, jointly and severally. In a dwelling or office sharing situation, the adult occupant legally responsible for the management or condition of the property shall be responsible.

(J) Owner. Shall mean the legal owner(s) of records as shown on the tax rolls of Buena Vista County, or where there is a recorded land sale contract, the purchaser thereunder.

(K) Person. Shall mean any individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, or any other legal entity whatsoever.

(L) Rule. Shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution and Order to carry out the provisions of this Ordinance.

(M) Storm and Surface Water Drainage System. Means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, curb and gutter, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

(N) This Ordinance. Shall include Ordinance Number 16-O-2005-2006, any rule or Resolution and Order adopted pursuant thereto.

(O) User. Shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for surface water management. The occupant of occupied property is deemed the user. If the property is not occupied, the person who has the right to occupy it shall be deemed the user.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-3 Storm Water Utility Established

Pursuant to the authority of Section 384.84, The Iowa Code, as amended, the City Council hereby establishes a storm water utility in the City. The entire City, as increased from time to time, shall constitute a single storm and surface water drainage system district.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-4 Charges and Fees in General

The Council may adopt by rule, charges, rates, and fees for the use of the City's storm and surface water system, and for services provided by the City relating to that system. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. Except as specifically provided in this Ordinance or by Resolution and Order, all charges and service fees shall be due and payable in advance of provision of service. All billing procedures shall be the same as for water usage and may be billed on the same bill.
(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-5 Storm Water Utility User Charge

(A) There hereby is established a Storm Water Utility System User Charge. This charge hereby is imposed on every user within the City of the storm and surface water drainage system on the imposition date. The charge may be required to be paid in advance of the provision of service for the billing period. The charge due for the billing period shall be the obligation of the user of the public storm system on the imposition date, notwithstanding whether the user is the addressee of the bill.

(B) The charge shall be the personal obligation of the user on the imposition date, regardless of whether that person has any ownership interest in the property. This charge shall constitute a debt due the City as of the date of imposition.

(C) There shall be a rebuttable presumption that the owner of the real property, as shown in the records of the County Assessor, is the occupant.

(D) Any person who has paid the full amount due in advance of receiving service shall be entitled to a refund if the person ceases to be the user. The refund shall be effective on the date the property is vacated or sold and based on the number of days remaining in the billing period. The refund is waived unless a written request for refund is filed within thirty (30) days of vacating or selling the property. The request shall include documentation reasonably deemed adequate by the Council. Notwithstanding any other provision, the new user shall be responsible for the remaining balance of the service charge, which may be billed immediately or added to the bill for the next period.

(E) The Storm Water Utility User Charge shall be imposed upon any person who uses or discharges to the public storm and surface water drainage system by:

1. Maintaining impervious surface connected to (directly or indirectly) and capable of discharge to the public surface water management systems; or
2. Actually discharging storm or surface water into the system.

(F) Said charge shall be charged for all users of properties within the boundaries of the City. A property containing impervious surface, is presumed to discharge storm water to the storm and surface water drainage system, and to generate a demand for storm and surface water drainage services unless that property has an on-site disposal system which meets the standard of Section 6.5 and any rules adopted thereunder.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-6 Calculation of Equivalent Residential Units and Amount of Charge

(A) This subsection shall be used to determine the number of Equivalent Residential Units (ERUs) for a property for purposes of determining the amount of Storm Water Utility (SWU) service charges and the water quantity component of the SWU. There are two types of uses: flat rate uses and measured uses. These are defined as follows:

1. "Flat Rate" Uses

Improved properties that qualify under this section as flat rate uses shall be charged at the rate of one (1) ERU per dwelling unit. The following uses shall be defined as "flat rate" uses:

a. Single Family Residence

A residential structure not attached to another residential structure on one or more parcels of land, providing there are not more than two residential structures on one parcel. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one (1) ERU per dwelling unit.

Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple family residential use.

b. Duplex

Two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately. Each dwelling unit of the duplex shall be charged one (1) ERU.

c. Multi-Family Residential Use

Three or more dwelling units joined to each other horizontally or vertically, on one or more parcels. The units may be under one ownership or more. Each dwelling unit shall be charged one (1) ERU. The owner of the taxed land parcel shall be deemed the user; except where multi-family dwelling units are individually metered the occupant of each unit is deemed the user and shall be charged one (1) ERU. A multi-family residential building having three or more stories, with three stories being defined by the latest adopted building code of the City of Storm Lake, shall be billed based as a commercial or industrial user as outlined in Section 2 of Section 3-10-2 of the City Code of the City of Storm Lake Iowa.

d. Condominiums

Each living unit of a condominium shall be charged one (1) ERU. Unit is defined as living units and do not include supporting uses, such as garages, even though they may be on separate parcels.

e. Mobile Home Parks

Includes mobile homes on a single tax lot (even if there are more than two per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Each space or a trailer to be placed. Each space in a mobile home park shall be charged one (1) ERU whether or not there is a mobile home on the space. Other impervious areas contained within the boundaries of the mobile home park shall not be measured. The owner of a taxed lot shall be deemed the user.

2. Measured Uses

Properties that are not Flat Rate Uses shall be measured uses. For such uses, the impervious surfaces of the property, as defined by rule, shall be measured. The area shall be estimated

using one or more of the following: aerial photographs, assessment records, building permits, construction plans, site visits, ad valorem property tax records, storm and surface water system connection permits, field surveys or other sources deemed reliable by the City connection permits, field surveys or other sources deemed reliable by the City.

This area shall then be divided by 2,750 square feet of one (1) Equivalent Residential Unit within the City. The ERU for all of the uses in this subsection shall be determined by measuring the impervious area. All values shall be rounded to the next lowest whole number, but not less than one (1) ERU.

Properties that are three stories or more with a story being defined by the latest adopted Building Code of the City of Storm Lake and having multiple meters within the property shall have their bill based on the total impervious surface area of the property as defined by this section of the City Code. The total ERU'S for the property will be divided to the next lowest whole number, but not less the one (1) ERU per meter.

a. Commercial, Industrial, Institutional

These categories include the entire range of office, manufacturing service, sales restaurant, day care, nursery, warehouse, churches, schools, utilities, public service buildings, parks, hospital, nursing home, rest home, retirement home, and other similar uses. This category includes land with an impervious surface with no building improvements.

3. General Policies

a. No Limit on Charge for a Measured Use

If a use is a measured use, its charge shall not be limited.

b. Minimum Charge

The minimum charge for any parcel with impervious areas subject to the SWU charge shall be one (1) ERU.

c. Community Facilities

The flat rate category includes typical residential uses within a parcel or single ownership, as defined above. If a community or neighborhood recreation center or similar facility exists within a subdivision, even if associated with the single family or duplex properties, that property shall be measured and charged separately to the user of that property.

d. Seasonal Impervious Area

Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. If an impervious area is in place for more than three (3) months per year, it shall be subject to the SWU charge.

e. Miscellaneous

1) No credits, exemptions, or reductions shall be given for impervious surfaces that are

submerged for a portion of the year.

- 2) If impervious areas are so small they cannot be detected on aerial maps at a scale of 1" = 50', then they shall not be included in the total impervious area.
- 3) A residence of any kind and a garage for that residence, shall be charged one (1) ERU, even if on two adjacent parcels.
- 4) Swimming pools are exempted from SWU fees providing the filter drains are connected to the sanitary sewer system.
- 5) No waiver shall be given for small impervious areas on a large pervious property.

4. Exclusion from Impervious Surface Measurement

a. Roads

- 1) Public roads shall not be included in the measurement of impervious surface areas.
- 2) All private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses. Private roads are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other City rules.

b. Determination of Impervious Surfaces - Roadways

All roadways, whether dirt, gravel, or paved, shall be considered impervious, and unless a part of an exempted category of road, or a part of a flat rate use, shall be included in the impervious area measurement. A "roadway" is defined as an area intended for the purpose of providing access for motor vehicles. Motor vehicles shall include automobile. Roadways shall include such things as roads, streets, alleys and driveways.

c. Determination of Impervious Surfaces - Parking and Storage Areas

- 1) All parking and storage areas, whether dirt, gravel or paved, shall be deemed impervious. A parking area is defined as an area where motor vehicles are parked temporarily. This shall include such areas as public and private parking lots (regardless of frequency of use), and storage areas.
- 2) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, shall be considered not impervious. This shall include such uses as landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.

b. Railroad Facilities

Railroad facilities shall be included in the measurement of impervious area, but the rail grade itself shall be excluded as being pervious.

5. Exemption from SWU Service Charges

- a. Users of properties for which all storm water is disposed of on-site, as defined by City standards, may request an exemption from SWU service charges. No partial exemptions for disposal of only a portion of the storm and surface waters on-site, shall be allowed. In order to qualify for service charge exemption, the user must design, construct and maintain an on-site facility that keeps all storm and surface water for the full range of storms during the year. This applicant for exemption must pay an initial inspection/review fee.

For the purpose of this Section, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the exemption.

In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious areas as defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental area such as sidewalks, decks, and driveway aprons, shall not exceed ten percent (10%) of the total impervious area.

On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, and retention basins with capacity large enough to accommodate the total of all storms through the year. Many of these may have a possible adverse effect on ground water, and some techniques may require approval of State, Federal and local agencies.

- b. To qualify, an applicant must submit a request to the City for a waiver of monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the City, that shows the system is separate and will dispose of the full range and volume of storm water through the year on-site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

An inspection/review fee shall be paid at the time of application.

A decision denying an exemption may be appealed. If approved, the waiver will be effective for the next billing cycle.

- c. The City retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.

(B) RATES. The rates for the service charge shall be established in accordance with Section 13.18.030 and is on a fiscal year basis, the estimated storm water utility system actual costs, less other projected revenue, divided by the estimated total number of ERUs connected to

the City storm water utility system. The rate of service charge shall be \$2.75 per ERU effective June 1, 2010.

All ERU records for all properties within the City of Storm Lake shall be kept on file in the City Clerk's office and shall be available during normal office hours for examination.

(C) DEPOSIT. All users of the storm water utility shall be subject to the provisions of the combined utility deposit set forth in Section 3-9-2.

(Ord. 13-O-2009-2010, Amended, 04/05/2010; Ord. 09-O-2008-2009, Amended, 04/20/2009; Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-7 Billing

(A) The City shall send a bill for the amount due by regular mail to every user in the City. Mailing to the owner of record as shown in the assessor records or to the occupant with a water account, as determined appropriate by the City, shall satisfy this requirement. The billing period shall be the same as for the water usage. The bill may be made part of the regular billing for a water account or a separate billing as determined by the City.

(B) The recipient of the first billing after the imposition has twenty (20) days after receipt of the first billing to notify the City of Storm Lake the recipient is not the responsible party and to provide information on the relationship of the recipient to the property and the occupant of the property as of the imposition date. Failure to file notice within twenty (20) days after the receipt of the initial billing shall be deemed to establish the original addressee as the user on the imposition date.

(C) Upon receipt of the notice, the City shall determine who is obligated for payment. Based on this determination, the City shall:

1. Issue a new bill to the occupant if the property was occupied by someone other than the original recipient;
2. Reissue the bill to the recipient if it is found that the person was the occupant;
3. Issue a bill to the owner as the user, if the property was not occupied.

The City may take into account any reasonably reliable information available to it, including utility or water district records.

(D) Notwithstanding any other provision of this Ordinance, any person may agree in writing to be responsible for payment of the charge. Upon filing of such a writing with the City, subsequent bills shall be sent to that person, and that person shall be deemed to be the user.

(E) It shall be a violation of this Ordinance to knowingly provide false information to the City regarding any fact related to billing of a storm water utility service charge or other charge to the city.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-8 Delinquency, Collection, Interest and Penalties

(A) Charges imposed under this Ordinance are deemed delinquent when not paid in full by the due date provided in a billing for the charge.

(B) It shall be unlawful and a violation of this Ordinance for any person to discharge wastewater into the City's Storm Water Utility System. It is also unlawful and a violation of this Ordinance to maintain a connection to or use the City's Storm Water Utility System without paying the appropriate charges and fees established in this Section or any rule adopted pursuant hereto. Even if no billing is received, such charges shall be due and owing and the user is obligated to pay any charges in a timely fashion.

(C) Payment and Penalty: All users shall be billed monthly. Billing for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made. Any payment not received within fifteen (15) days after the billing is made shall be delinquent. There will be an additional ten percent (10%) charge for storm water charges not paid within fifteen (15) days after the same becomes due and payable.

(D) Lien: The City shall have a lien upon the property served by the storm water utility for all delinquent rates and charges. The City Clerk shall certify within ten (10) days of the following dates, to the County Auditor for collection with and in the same manner as property taxes and to establish the property lines, all rates and charges which be delinquent over thirty (30) days on the first of March, June, September, and December.

(E) Combined Utility Deposit: A combined utility deposit will apply according to 3-9 of the City Code.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-9 Request for Service; Disconnection from Service; Use Reclassification, Termination of User Charges

(A) The issuance of a storm water utility system connection permit relating to impervious surface on a property or parcel shall be deemed to be a specific request for provision of storm and surface water service to that property.

(B) Any user of the public storm water utility system may disconnect property served by the system from service and terminate further user charges by utilizing the procedure in this Section.

(C) Any user of the public storm water utility may remove all or part of the impervious surface on the property served by the system and apply for use reclassification by utilizing the procedure in this Section.

(D) A person desiring to disconnect property from the system shall make application on a form provided by the City and pay the fee established therefore. The application shall be signed by

the owner of the property; shall provide evidence of demolition or removal of any impervious surface on the property, or of installation of an approved on-site storm and surface water retention or infiltration system serving the property. Such on-site system shall be designed and operated to retain or dispose of on-site all storm and surface waters generated by the property, through the full range of storm events prescribed by City rule. The Council may by rule, adopt additional criteria and administrative procedures to provide for disconnection from storm water utility service, and suspension or termination of user charges.

(E) Upon receipt of a complete application for disconnection or reclassification, and verification of information thereon, and installation of the on-site system or demolition of impervious area as provided in subsection C. of this Section, the City shall issue a permit for disconnection or reclassification. Whether performed by the City or other person, the City shall inspect the disconnection.

(F) The City may inspect the on-site system at any time. If at any time the system fails to perform to the standard specified in subsection C. above, the City shall notify the owner to correct the system. If the system is not corrected to meet on site retention or infiltration standards within thirty (30) days of such notice, the City may treat such deficiency as a reconnection to the storm water utility system and as a specific request for storm water utility service. Service fees shall then relate back to the earliest date on which the system failed to meet applicable performance standards for on-site retention or disposal.

(G) If at any time after reclassification an impervious surface is added to the property, the City shall consider such an addition as a reconnection to the storm water utility and as a specific request for storm water utility service.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-10 Appeals

(A) Appeals.

1. The following may be appealed in accordance with the provisions of this section.
 - a. A determination that the person is obligated to pay the service charge imposed herein.
 - b. A dispute as to the proper calculation of the amount due from the person. This shall not include, however, an objection to the overall establishment of the storm water utility charge or the charge per ERU established by the City Council or the establishment of classes of impervious surface area.
 - c. A discretionary decision implementing a rule adopted by the Council if an appeal is provided in the action adopting the rule.
2. The initial appeal shall be filed in writing and addressed to the City Clerk. The appeal must be received in the office of the City Clerk no later than the thirtieth (30th) day after the action that is being appealed. The thirty (30) days shall be calculated from the due date of a bill, or

a reissued bill, whichever is later.

3. The appeal filed in the office of the City Clerk shall be heard by the City Administrator. The appellant shall be provided a reasonable opportunity to submit written and oral support for the appellant's position. The City Administrator shall issue a written decision within thirty (30) days after the receipt of the appeal, or ten (10) days after receipt of the last information by the appellant in support of the appellant's position, whichever is later.
4. The written decision of the City Administrator may be appealed to the City Council. The appeal must clearly state the basis on which the appeal of the City Administrator's decision is being filed. Any appeal to the City Council must be filed in the office of the City Clerk within fifteen (15) days after the date of the written determination by the City Administrator. The appeal to the City Council shall be heard in an informal proceeding. The appellant shall be provided a reasonable opportunity to submit additional written or oral support for the appellant's position. The City Council shall issue a written decision within forty-five (45) days of the date the appeal is filed in the office of the City Clerk.
5. The written decision of the City Council may be appealed to District Court. Failure to properly exhaust the administrative remedies provided in this section shall constitute a bar to judicial relief

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Section 3-10-11 Severability Clause

If any section, subsection, provision, clause or paragraph of this Ordinance, or rules adopted pursuant hereto, shall be adjudged or declared to be unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance or such rules; and every other portion thereof shall remain in full force and effect.

(Ord. 16-O-2005-2006, Add, 06/19/2006)

Chapter 3-11

ILLICIT DISCHARGE TO STORM SEWER SYSTEM

Sections:

3-11-1	Findings
3-11-2	Illicit Discharges Prohibited
3-11-3	Illicit Connections Prohibited
3-11-4	Industrial Discharges
3-11-5	Illicit Discharge Detection and Reporting; Cost Recovery
3-11-6	Suspension of Access to the City's Storm Sewer System
3-11-7	Watercourse Protection
3-11-8	Waste Disposal Prohibitions
3-11-9	Enforcement

Section 3-11-1 Findings

(A) The U.S.EPA's National Pollutant Discharge Elimination System ("NPDES") permit program (Program) administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) (MS4 Permit). The City of Storm Lake, Iowa is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 Permit is on file at the office of the city clerk and is available for public inspection during regular office hours.

(B) As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE TO STORM SEWER SYSTEM ordinance.

(C) No state or federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this ordinance entirely by charges imposed on the owners of properties which are made subject to the Program by virtue of state and federal law, and/or other sources of funding established by a Stormwater Utility ordinance.

(D) Terms used in this ordinance shall have the meanings specified in the Program.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-2 Illicit Discharges Prohibited

(A) For purposes of this ordinance, a "responsible party" is one or more persons that control or are in possession of or own property. Responsible parties shall be jointly and severally responsible for compliance with this ordinance and jointly and severally liable for any illicit discharge from the property controlled, possessed or owned. For purposes of this ordinance, "property" includes but is not limited to real estate, fixtures, facilities and premises of any kind located upon, under or above the real estate.

(B) Nothing in this ordinance shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other federal, state or City permit, statute, ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this ordinance.

(C) Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this

ordinance.

(D) Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's Planning & Zoning Ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall be deemed an illicit discharge in violation of this ordinance.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-3 Illicit Connections Prohibited

(A) For purposes of this ordinance, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

(B) The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this ordinance.

(C) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-4 Industrial Discharges

(A) Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit.

(B) Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-5 Illicit Discharge Detection and Reporting; Cost Recovery

(A) All detection activities permitted under this ordinance shall be conducted by [the city engineer] [the city public works director][the code enforcement officer][police officer and fire fighter] [a subcontractor credentialed in a manner satisfactory to the city], or his or her designee, hereinbefore and after referred to as the "enforcement officer."

(B) The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.

(C) Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement officer illicit discharges which the responsible party knows or should have known to have occurred. Failure to comply with any provision of this ordinance is a violation of this ordinance.

1. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole

cost.

2. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via 911.

3. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

4. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement officer immediately but in any event within twenty-four (24) hours of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.

(D) Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

(E) Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit discharge, the enforcement officer shall conduct an inspection of the site as soon as reasonably possible and thereafter shall provide to the responsible party, and any third party reporter, a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within twenty-four (24) hours.

(F) The enforcement officer shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

1. A responsible party shall allow the enforcement officer ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual, or imminent illicit discharge, and for the performance of any additional duties as defined by state and federal law.

2. The enforcement officer shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

3. The enforcement officer shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement officer directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the responsible party at the written or oral order of the enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

5. An unreasonable delay in allowing the enforcement officer access to a property is a violation

of this ordinance.

6. If the enforcement officer has been refused access to any part of the property from an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

(G) If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this ordinance shall be recovered from the responsible party. The enforcement officer shall submit an invoice to the responsible party reflecting the actual costs and wages and expenses incurred by the city for the enforcement activities undertaken. Failure to pay charges invoiced under this ordinance within thirty (30) days of billing shall constitute a violation of this ordinance.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-6 Suspension of Access to the City's Storm Sewer System

(A) Emergency suspension. The enforcement officer may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

(B) Non-emergency suspension. If the enforcement officer detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement officer shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient notice to all. Remediation of the circumstances shall avoid a violation of this ordinance provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary, and if the enforcement officer finds such information is satisfactory the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory the enforcement officer shall issue a final written order of suspension including the date and time of suspension and such order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this ordinance. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-7 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water

through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-8 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Section 3-11-9 Enforcement

(A) Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.

(B) Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of §364.22, pursuant to the City's municipal infraction ordinance.

(C) Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

(Ord. 12-O-2005-2006, Add, 03/13/2006)

Chapter 3-12

PRIVATE WELLS

Sections:

3-12-1	Purpose
3-12-2	Potable Water Wells Prohibited
3-12-3	Permit Required
3-12-4	Special Exceptions
3-12-5	Existing Wells
3-12-6	Violation

Section 3-12-1 Purpose

The purpose of this chapter is to protect the public health, safety, and welfare and assure an adequate and safe water supply to the residents of the City of Storm Lake by prohibiting the construction of private wells within the corporate limits that could become possible points of entry of pollutants into the City's water supply or otherwise interfere with the municipal water system maintained and controlled by the City of Storm Lake.

(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-2 Potable Water Wells Prohibited

No person shall construct a well to be used as a potable water supply within the corporate City Limits. For the purposes of this chapter, "person" means private citizen, corporation, or any other entity excluding the City of Storm Lake.

(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-3 Permit Required

No person shall construct a well used for other than drinking water (such as monitoring wells greater than 20' deep, geo thermal wells, heat pump wells, and wells used for irrigation systems) unless a permit has been issued for the well by the Buena Vista County Sanitarian. The County Sanitarian will consult with the City prior to issuing permits for wells inside the corporate City limits to determine if the well will interfere with the City's water supply. If the City of Storm Lake's water supply will be negatively impacted by the construction of the well then the application shall be denied.

Wells shall not be connected directly or indirectly to the City water supply.

(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-4 Special Exceptions

The City of Storm Lake may, upon written request to the City Administrator, grant a special exception to the prohibition set forth in Section 3-12-2 upon such conditions and limitation as the City, in its sole discretion, may prescribe. The City is under no obligation to grant any special exceptions whatsoever, and the authority to grant such special exception includes the authority to set appropriate fees for administration, oversight, and monitoring as the City Council shall deem appropriate.

(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-5 Existing Wells

Any person who owns property in the City of Storm Lake which has a well which was constructed prior to the effective date of this ordinance shall register said well with the City. There will be no fee charged for the registration of pre-existing wells.

(Ord. 12-O-2008-2009, Add, 06/01/2009)

Section 3-12-6 Violation

A violation of any of the provisions of this chapter shall constitute a Municipal Infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 10 of this Code and by Section 364.22 of the Code of Iowa.

(Ord. 12-O-2008-2009, Add, 06/01/2009)