

## **CHAPTER 74**

Repealed and Replaced by Ordinance 1123, Published 05/23/2023

### **WATERWORKS**

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**SEC. 74.1 ESTABLISHMENT.** The public works director shall supervise the supply, treatment, and distribution of water to the city, by directing an agency of the city known as the water division of the department of public works.

**SEC. 74.2 SERVICE APPLICATION.** No premises shall receive water service from the city unless the person serviced applies for such service. Refer to Sec. 74.12 WATER/EXCAVATION PERMIT. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.3 UTILITY FUND.** The finance director shall maintain a fund to be known as the "water division utility fund". There shall be placed to the credit of that fund all monies accrued and on hand from water service charges. Additionally, all receipts and expenses incurred relative to the operation of the "water division enterprise" with the exception of Section 74.4 following.

**SEC. 74.4 SINKING FUND.** The finance director shall keep a fund hereafter known as the "water division sinking fund." There shall be admitted to the credit of said fund, all monies accrued and on hand specified therefore. It shall be the purpose of said fund to provide for payment of indebtedness, funded depreciation, and replacement of specified service related appurtenances and utility equipment. The city council shall provide in each years budget for monies transferable from the water division utility fund to the water division sinking fund amounts as reasonably determined to allow for the cash replacement and extension of said equipment and services required and to retire outstanding indebtedness.

**SEC. 74.5 COLLECTION.** The finance director or designee shall supervise the billing of charges for water service and the collection of payments for such service in a manner prescribed by the city council. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.6 PENALTY.** If a payment is delinquent, a penalty charge shall be assessed against the person who is liable for the delinquency. The penalty charge shall not be more than one and one-half (1 1/2) percent of the monthly payment that is delinquent.

**SEC. 74.7 REFUNDS.** Waverly Municipal Code Section 74.7 "Refunds" pertaining to water service charges is repealed in its entirety. Ordinance No. 717

**SEC. 74.8 PERMANENT DISCONNECTION.** If the person seeks a permanent disconnection of service from the premises, the person must remove the water meter and cut and disconnect the service appropriately at the water main under the direction of the public works director and deliver such meter to the water division. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

All water services that become obsolete because of the laying of new or larger services must be cut and shut off at the water main and reported to the water division. When a building is to be demolished or moved, eliminating the need for a water service, the water service must also be cut and disconnected at the water main. If plans are to rebuild on the property, the water service must be abandoned back to the curb stop. Acceptable means of disconnection include removing and plugging corporation stop at the main or shutting off the corporation stop and placing copper disc to plug the stop. Galvanized or lead services must be replaced or disconnected at the main.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.9 CONTRACT.** The provisions of this chapter, including rules and water rates adopted pursuant to this chapter, shall be incorporated in a contract between the city and any person to whom the city shall furnish water service.

**SEC. 74.10 DISCONNECTION.** If any provision of this chapter, including rules and water rates adopted pursuant to this chapter, is violated, water service to the premise subject of the violation may be disconnected. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.11 SERVICE RESUMED.** Upon correction of the violation, the water service may be resumed to the premise subject of the violation, if the director is satisfied that another violation will not occur. The director may set conditions for the resumption of services. The person who violates a provision shall pay the cost of discontinuing service and resuming service. The payment for the period that service was disconnected may be declared forfeited by the director. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.12 WATER/EXCAVATION PERMIT.** A permit is required to create a new water service connection or to repair/adjust an existing water service or connection, including any work between the building and the water main (including any water main work). The permit application must be completed and submitted with a \$25 application fee. After review of the application, a permit will be issued allowing work to proceed. All code requirements must be followed, and the work must be inspected as directed by the permit.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023);  
(Ordinance 1133 adopted December 4, 2023; Published January 9, 2024)

**SEC. 74.13 MULTIPLE BUILDINGS.** A tap or service pipe shall service only one building unless the following apply: (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

1. Application. If a tap or service pipe is to service more than one building, the owner of a building that may be serviced by such tap or pipe must apply to the city for a special permit. Attached to the application must be an agreement executed by all owners of buildings serviced by such taps or pipes. The terms of the agreement must specify the persons who will own the taps or pipes and how the taps or pipes will be maintained. Such agreement shall be recorded with the Bremer County Recorder. Upon being recorded the agreement shall run with the affected property or properties.
2. Director. The director must approve the application. An application shall not be approved unless the director determines that service to only one building from a tap or service pipe is impractical. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
3. Curb-stops. There shall be installed on each branch of the applicable service pipe, a curb-stop that satisfies the requirements of Section 74.16.
4. Specifications. If a service pipe has a branch connection, such pipe shall be at least one (1) inch in diameter. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.14 TAPPING.** The tap shall not be larger than one (1) inch, unless the tapping complies with the following: (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

1. Saddle & Corporation Stops. A saddle and corporation stop must be used for the following connections (refer to SEC. 74.37 for allowable fittings):  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - a. One and a quarter (1 1/4) inch connections.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. One and a half (1 1/2) inch connections.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - c. Two (2) inch connections.
  
2. Valve & Sleeve Arrangement. A valve and sleeve arrangement must be used for the following connections:
  - a. Four (4) inch connections.
  - b. Six (6) inch connections.
  - c. Eight (8) inch connections.
  - d. Ten (10) inch connections.
  - e. Twelve (12) inch connections.
  
3. Main Tapping. A main tap must be at least twelve (12) lineal inches from another such tap, horizontal, and staggered at least thirty (30) degrees from a point zero (0) degrees on a horizontal plane to a point seventy (70) degrees above such plane one side and/or from a point one hundred ten (110) degrees to one hundred eighty (180) degrees on the horizontal plane of the other side. A tap shall not be made within twelve (12) inches of the union/bell. Contractor must notify the public works office 24 hours prior to tapping water mains to allow inspection of the work (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023).

**SEC. 74.15 SERVICE PIPES.**

1. Specifications. A service pipe must be not less than one inch in diameter. Such pipe must be a type K copper tube or CTS poly. (Refer to SEC. 74.37 Acceptable Materials for specifications) (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  
2. Installation. A service pipe must be installed beneath the surface of the ground at a level where the main pipe is installed beneath a street. The service pipe must be installed to prevent rupture by freezing. A service pipe may service a lot, if the connection is made from the main located adjacent to the lot to be serviced. However, a service pipe shall not service a lot by crossing another lot.

3. Curb Stop. A curb stop must be installed on each service pipe. Installation of the curb stop must satisfy the following criteria (Refer to SEC. 74.37 Acceptable Materials for allowable fittings): (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - a. Accessible. The person served by the service pipe must have ready access to the curb stop.
  - b. Shutoff. The curb stop must function to allow water service to the property served by a water service pipe which could be shut off.
  - c. Placement. A curb stop must be placed in the service pipe at least twelve (12) inches within the property line of the lot served by the service pipe. The curb stop must be protected by a box as detailed in the specifications sheet. The box must have a metal cover labeled with the letter "W" or the word "water" which is clearly visible and at pavement or ground level or higher. (Refer to SEC. 74.37 Acceptable Materials for allowable fittings) (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
4. Maintenance.
  - a. Owner. A person who owns the premises where buried pipes, including service pipes, connections, curbstops corporation stops, service valves, and meter valves are located shall maintain such pipes, if the premises are served by such pipes. The person must ensure the safety and efficient operation of the pipes, prevent rupture from freezing, and prevent obstructions in the pipes and leakage from the pipes. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. Service leaks. All water leaks on the service pipe or interior building pipes will be the responsibility of the owner to repair. Leaks shall be repaired as soon as possible, but within 14 days. If not repaired promptly, the city shall, after written notice to the owner, turn off the water until such repairs have been made. If the water cannot be turned off, or there are public safety concerns, or excessive water loss which in the opinion of the director constitutes an emergency requiring repair in under 72 hours, the city will hire a private contractor to complete the repairs and assess the cost to the property owner. If the leak is determined to be the water main, the city shall pay the costs incurred.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - c. City. If the public works director determines that any buried pipe, including service pipes, connections and curbstops does not comply with a provision of this chapter the director may order that the owner of the pipe repair or replace such pipe. Also, the director shall have the authority to order unsafe piping repaired adjacent to and attached to the water meter.

5. **Liability.** The city or a city employee acting within the scope of employment shall not be liable for damage resulting from work performed on buried pipes or from any discontinuance of water service, if the following apply:
  - a. **Necessity.** The action by the city was performed in the course of installing or repairing service facilities, or an emergency required such work or discontinuance of service; and
  - b. **Negligence.** The damage or discontinuance was not the direct result of negligence by the city.
6. **Backflow Prevention.** The city defers to the Bremer County Building, Zoning and Sanitation department for backflow prevention requirements.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.16 GENERAL PLUMBING.** If the connection/stub that was put in with the installation of the water main is not suitable for the needs of the property, a new tap may be approved by the director. The property owner will be liable for the unused connection/stub.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.17 WATER CONTROL.** The water system shall be under the direct supervision of the director who shall regularly report to the administrator on matters pertaining to the water system. The director may authorize any qualified person to inspect or perform work specified in this section.

**SEC. 74.18 POWERS AND AUTHORITY FOR INSPECTION.**

1. **Access to Private Property.**
  - a. **General.** Any person authorized by the director may enter any premises to inspect, observe, measure, sample or test water. However, if the owner or occupant of the premises objects to inspection, the inspector shall enter the premises only after obtaining a warrant from a magistrate.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. **Police Department.** The police department shall cooperate with the director to enforce this section.
  - c. **Limitations.** The inspector shall not have any authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having a direct bearing on the kind and source of use to the public water works.
2. **Easement Access.** An authorized inspector or worker after bearing proper credentials and identification to the owner or occupant of the premises, shall enter the private premises to

inspect, observe, measure, sample, install, repair or maintain any part of the water works that are located within an easement held by the city. Entry and any inspection or work within the easement shall comply with the terms of the easement.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

3. Liability.

- a. Duty of Care. While performing inspections or work on the premises, the inspector or worker shall observe all applicable rules established by the owner or occupant.
- b. Harmless. An owner or occupant of a premise shall be held harmless for injury or death to an inspector or worker performing on the premises.
- c. Indemnify. The city shall indemnify the owner or occupant for the loss or damage to property or for personal injury or death caused by the inspector or worker acting within the scope of the worker's or inspector's authority. However, if the negligence of the owner or occupant caused the loss, damage, injury or death, this paragraph shall not apply.

**SEC. 74.19 ENFORCEMENT.**

1. Notice to Correct. A person found to be in violation of any provision of this chapter shall be served a written notice by the city stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. Such notice may be delivered personally with written receipt returned or by certified mail. If delivered by certified mail, receipt shall be deemed given when mailed. The offender shall, within the period of time stated in the notice, permanently cease all specified violations. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
2. Penalty. A violation of this chapter is a simple misdemeanor. Additionally a person found to be in violation shall also be liable to the city for any damage, loss, cost or expense resulting from such violation.
3. Nuisance. A violation of this chapter shall be a nuisance. The person notified of the violation shall be notified of a right to a hearing before the council, as provided in this code. After the hearing or opportunity for hearing the council may order any of the following:
  - a. Correction. Any necessary measure to correct and abate the violation shall be completed by the owner in violation, or the administrator may be authorized to complete the necessary work. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. Discontinuance. The water service to the premises where the violation occurs shall be discontinued. If the violation creates an immediate hazard to the operation of water works facilities or to any property or person, or if the violation is contrary to a condition of the applicable IDNR permit, the administrator may perform measures to abate the situation without notice or hearing.

- c. **Assessment.** The cost of repairing or replacing any water line and associated administrative costs (including but not limited to certified mail expenses) shall be assessed against the person found to have violated this chapter. Damages to public or private property, including loss of production, shall be assessed against the property where the violation occurred.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

- d. **Collection.** Any amount due to the city arising from a violation, shall be collected by the city. A lien may be assessed against the property where the violation occurred, and shall be levied and collected with property taxes. The city may alternatively obtain a judgment and execute a judgment for the amount to be collected, including user charges, from the person incurring the liability for the payment of such charges. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.20 APPEALS.** If a decision, determination, or order is made against a person, or compels a person to act, under authority of this chapter, the person may appeal pursuant to the following procedure:

1. **Appointment.** The parties shall each appoint one engineer licensed pursuant to the Code of Iowa. An appointed engineer shall not be an employee of either party.
2. **Investigation.** Two professional engineers shall review the complaint, the decision of the administrator, all evidence used in the determination, and conduct an independent investigation of the case.
3. **Report.** Upon completion of the investigation, the engineers shall report to the council, recommending that the decision of the administrator be in part or in whole affirmed, modified or reversed. The report shall be submitted to the clerk. The clerk shall file the report and deliver a copy to the administrator, the other party, and the council.
4. **Third Engineer.** If the engineers cannot concur in a recommendation, they shall appoint a third engineer licensed pursuant to the current Code of Iowa. A majority of the engineers shall report to the council in the manner prescribed in this subsection.
5. **Final Decision.** The council shall hear the case within a month following the report being submitted to the clerk. The decision shall be in writing and delivered to the clerk within two months after the council hears the case. The clerk shall file the decision and deliver a copy to the administrator and the other party.
6. **Fees.** The fees of an engineer for performing services under this subsection shall be paid by the party appointing such engineer. If the appointment of a third engineer is required, the fees of such engineer shall be equally divided by both parties.



**SEC. 74.21 INSPECTION.** Upon the completion of any work performed on buried water facilities, the public works department shall be notified of the completion by the owner of the property where the work is performed. The director must supervise the inspection of the completed work and the work shall be exposed and accessible until the director approves the work.

**SEC. 74.22** Deleted per Ordinance 1123 (adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.23 CLOSED FIXTURES.** A person shall not release water from any fixture, including any faucet, hydrant, tap, hose, water closet, urinal or bath, unless such person is the owner of the fixture or uses the fixture with the implied or express consent of the owner.

**SEC. 74.24 WATER CLOSETS.** A functioning water closet must be self-closing.

**SEC. 74.25 REPAIR.** The owner of fixtures shall maintain such fixtures to ensure that such fixtures function safely and efficiently.

**SEC. 74.26 WATER SHUTOFF.** The right is expressly reserved to the city to shut off the supply of water at any time and without notice, any permit granted or regulations to the contrary notwithstanding. No claim shall be made against the city by reason of any breakage or for any interruption of the supply.

**SEC. 74.27 INSPECTION OF PREMISES.** Public works department personnel or other persons designated by the city council may enter any building or premises of any person, firm or corporation taking water for the purpose of inspecting the buildings or premises, provided that said officials comply with the right of entry procedures outlined in Chapter 5.2 of this code. In case an unsatisfactory condition is found, the public works director may leave notice thereof, and if such condition is not remedied within forty-eight (48) hours thereafter the water shall be shut off and shall not be turned on again until such condition has been remedied and the other conditions of this chapter complied with; but nothing herein shall be construed to entitle the consumer to such forty-eight (48) hours or any other notice.

**SEC. 74.28 EMERGENCY.**

1. Declaration. If the city administrator determines, upon good cause, that an emergency exists and that it is necessary to conserve water, or ensure a certain supply of water, because of the emergency, the administrator may place necessary conditions on all water use in the city, by executing an emergency declaration in writing. The declaration shall be posted or published as any other notice provided in this chapter.
2. Penalty. A person who uses water in violation of an emergency declaration shall be guilty of a simple misdemeanor.

**SEC. 74.29 HYDRANTS.**

1. Authorization. All hydrants used for extinguishing fires are public hydrants unless served by a separate fire main not owned by the city. A person shall not use, interfere, tamper or open such a hydrant, unless the person is a member of the fire department acting under the authority of the fire chief or the person is acting under the authority of the public works director.

2. Use. A person authorized to use a hydrant, shall perform such acts in a manner prescribed by the fire chief or the director. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
3. Interference. No person shall willfully or carelessly break, injure, mar, deface, interfere with or disturb any building, well, machinery, apparatus, fixture, attachment or appurtenance of the waterworks of the city, or any public or private hydrant or water curbstop, meter, water supply or service pipe, or any part thereof, nor shall any person deposit anything in any curbstop box, or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the permission of the city council, except in cases here or otherwise regulated by ordinance of the city.

**SEC. 74.30 METERS.** (Amended by Ordinance 1133, Published 01/09/2024)

1. Requirements. Water meters shall measure any consumption of water on a premises, if the water derives from the city water system. However, this subsection does not apply if the person served by the water system has contracted with the city for a water supply upon terms and for a rate specified in the contract.
2. Ownership. All residential, commercial, and industrial meters shall be purchased and maintained by the city.
3. Reading.
  - a. General. All water meters shall be read not less than once each month unless a consumer of the water service requests an additional reading on another date.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. Other Conditions. If a meter cannot be practically read the usage shall be estimated for that month. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - c. Damage. If a meter cannot be read because the meter is damaged, the water usage for the premises shall be considered the average usage calculated for the premises. If a person receiving service from the city has damaged the meter by tampering or by neglecting to protect the meter from natural elements, including frost, the person shall be liable for the cost to repair or replace the meter before the next regular reading. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - d. Leakage. The reading of a meter shall not be modified to reflect the leakage of water that occurs after water has passed through such meter.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - e. Combined. The reading from one meter shall not be combined with the reading of another meter unless approved by public works.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

4. Irrigation or second water meters. A second water meter may be purchased from the city to measure water used that does not reach the sanitary sewer. This meter must be installed by a plumber, separately parallel to the first water meter with valving to isolate meter for removal. Installation of the second meter will be inspected by the city prior to use. Consumption is billed monthly with no minimum charge.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

5. Hose bib meters. A hose bib meter may be rented from the city for temporary outside water usage when water will not enter the sanitary sewer system. Rental period will not exceed one month unless approved by the director. The fee for one month rental will be \$25. Regular water fees will apply to water used through the meter.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

6. Meter pits. Upon approval of the director, customers may have the meters installed outside the building in a meter pit or vault constructed according to specifications approved by the director. The customer will be responsible for all construction and maintenance costs of the pit or vault. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

7. Installation. All meters must be installed with valving before and after the meter to allow for removal. No meters shall be installed without a permanent source of heat.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

8. Water meters 2" and larger are required to have a meter bypass installed. This bypass will allow for continuous operation when the meter is out for service or testing. Valves must be installed on either side of the meter to allow for removal. These installations must be approved by the Director. (Ordinance 1133; adopted 12/04/2023; Published 01/09/2024)

9. Leak Adjustment Policy. Refer to SEC. 74.38.

#### **SEC. 74.31 WATER SERVICE CHARGE**

(Ordinance 1117 adopted by City Council on 03/20/23)

#### **ORDINANCE NO. 1117**

#### **An Ordinance Amending the Water Rates and Minimum Charges for Water Usage.**

WHEREAS, the City Council has determined that increases in the City's water rates and minimum charges for water usage are necessary to meet the ongoing operating and capital needs of the City water enterprise.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Waverly, Iowa, that Section 74.31.1 of the Waverly Municipal Code of Ordinances pertain to Water Service Charges is deleted and the following section 74.31.1 substituted therefore:

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**EFFECTIVE JUNE 2023 (3% increase)**

Charges shall be reflected on the utility bills for meters read in June 2023, and thereafter.

**A. Water Rates**

For the first 1,000 cubic feet (100%).....	\$	4.86 per 100 cubic feet
For the next 4,000 cubic feet (80%).....		3.89 per 100 cubic feet
For the next 5,000 cubic feet (65%).....		3.16 per 100 cubic feet
For all over 10,000 cubic feet (50%).....		2.43 per 100 cubic feet

The above rates are based on monthly consumption of water. It is expressly provided, however, that each and every building, tenant, premises or each and every separate service connected with the water system shall be charged and shall pay monthly for the use of water measured and registered by meter, a minimum rate as follows:

**B. Minimum Charges**

For 5/8-inch and 3/4-inch meters.....	\$	11.91 per month
1-inch and 1 1/2-inch meters.....		14.84 per month
2-inch meters.....		51.80 per month
3-inch meters.....		79.30 per month
4-inch meters.....		134.53 per month
6-inch meters.....		318.13 per month

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**EFFECTIVE JUNE 2024 (3% increase)**

Charges shall be reflected on the utility bills for meters read in June 2024, and thereafter.

**A. Water Rates**

For the first 1,000 cubic feet (100%).....	\$	5.01 per 100 cubic feet
For the next 4,000 cubic feet (80%).....		4.01 per 100 cubic feet
For the next 5,000 cubic feet (65%).....		3.25 per 100 cubic feet
For all over 10,000 cubic feet (50%).....		2.50 per 100 cubic feet

The above rates are based on monthly consumption of water. It is expressly provided, however, that each and every building, tenant, premises or each and every separate service connected with the water system shall be charged and shall pay monthly for the use of water measured and registered by meter, a minimum rate as follows:

**B. Minimum Charges**

For 5/8-inch and 3/4-inch meters.....	\$ 12.27 per month
1-inch and 1 1/2-inch meters.....	15.29 per month
2-inch meters.....	53.36 per month
3-inch meters.....	81.68 per month
4-inch meters.....	138.57 per month
6-inch meters.....	327.67 per month

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The minimum rate paid shall entitle each consumer of water registered and measured by meter to use two hundred forty-five (245) cubic feet of water during the month. The minimum rate, as provided for in Section B above, shall be applied in payment of the water consumed as measured and registered by the meter during the month for which the minimum charge is made, according to the rates and rents established in Section A above, provided always that no rebate shall be allowed if the consumption of water does not reach two hundred forty-five (245) cubic feet for that month.

**C. Taxes**

The present Iowa sales tax is excluded in the rate established in Section A above. Should other taxes be levied, then the rate established in Section A may be adjusted to include any additional tax burden upon the City occasioned thereby.

The City reserves the right to increase or change the water rates, rentals, and charges, without notice to the consumer, and at such times as the Council may deem proper, such charges, however, not to be retroactive.

All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

This ordinance shall be in effect from and after the passage and publication as required by law. (Ord. 1117 3/28/23)

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The City reserves the right to increase or change the water rates, rental fees, and charges, without notice to the consumer, at such times as the council may deem proper. Such charges, however, not to be retroactive. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

1. Collection of Charges.
  - a. Monthly Billing. Water fees shall be billed and collected through a contract with Waverly Utilities. Fees are based on the scheduled water rates adopted by council resolution. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b. Delinquency. Payment for water service must be paid to the city not later than the fifteenth day of each month. If a payment is delinquent a charge not greater than one and one half (1 1/2)% the delinquent debt shall be assessed as penalty against the customer. If payment and penalty charges are not received by the city within twelve days after the bill became delinquent the public works director shall disconnect service to the customer after written notification from the finance director. However, the discontinuance shall not violate any rule prescribed by the Iowa Commerce Commission.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - c. Continuance. Upon delinquency, service shall be continued if the customer applies to the city for a continuance and the city is satisfied that the bill and penalty will be paid. The council may require water service be continued upon conditions stated by the council.
2. Hydrants. The user of a hydrant or sprinklers connected to the city water system shall be charged for such use pursuant to council resolution which shall be filed with the clerk and available for public inspection.
3. Hook Up Fee. Deleted per Ordinance 765

**SEC. 74.32 SHALLOW PUBLIC WATER WELL.** Location of potential source of contamination. No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth, from a shallow public well within the City of Waverly, Iowa.

1. Well house floor drains - 5 feet.
2. Water treatment plant wastes - 50 feet.
3. Sanitary and industrial discharges - 400 feet.
4. Floor drains from pump house to surface - none within five (5) feet.
  - a. 5-10 feet water main materials enclosed in concrete permitted;

- b. 10-25 feet must be water main material;
  - c. 25-75 feet must be watertight sewer pipe.
5. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:
- a. None permitted within 25 feet.
  - b. If closer than 75 feet, must be water main material.
  - c. If between 75 and 200 feet, must be watertight sewer pipe.
6. Force mains:
- a. None permitted within 75 feet.
  - b. If within 400 feet, must be water main materials.
  - c. If between 400 and 1,000 feet, must be watertight sewer pipe.
7. Land application of solid waste - 200 feet.
8. Irrigation of waste water - 200 feet.
9. Concrete vaults and septic tanks - 200 feet.
10. Mechanical waste water treatment plants - 400 feet.
11. Cesspools and earth pit privies - 400 feet.
12. Soil absorption fields - 400 feet.
13. Lagoons - 1,000 feet.
14. Chemical application to ground surface - 200 feet. Above ground storage - 200 feet; and on or underground storage - 400 feet.
15. Animal pasturage - 50 feet.
16. Animal enclosure - 200 feet.
17. Animal wastes:
- a. Land application of solids - 200 feet.

- b. Land application of liquid or slurry - 200 feet.
  - c. Storage tank - 200 feet.
  - d. Solids stockpile - 400 feet.
  - e. Storage basin or lagoon - 1,000 feet.
18. Earthen silage storage trench or pit - 200 feet.
  19. Basements, pits, sumps - 10 feet.
  20. Flowing streams or other surface water bodies - 50 feet.
  21. Cisterns - 100 feet.
  22. Cemeteries - 200 feet.
  23. Private wells - 400 feet.
  24. Solid waste disposal sites - 1000 feet.

**SEC. 74.33 DEEP PUBLIC WATER WELL.** Location of potential source of contamination. No structure or facility of the following enumerated types shall be located within the distances hereinafter set forth, from a deep public well within the City of Waverly, Iowa.

1. Well house floor drains - 5 feet.
2. Water treatment plant wastes - 50 feet.
3. Sanitary and industrial discharges - 400 feet.
4. Floor drains from pump house to surface - none within five (5) feet.
  - a. 5-10 feet water main materials enclosed in concrete permitted;
  - b. 10-25 feet must be water main material;
  - c. 25-75 feet must be watertight sewer pipe.
5. Floor drains to sewers, water plant wastes, storm or sanitary sewers or drains:



- a. None permitted within 25 feet.
  - b. If closer than 75 feet, must be water main material;
  - c. If between 75 and 200 feet, must be watertight sewer pipe.
6. Force mains:
- a. None permitted within 75 feet.
  - b. If within 400 feet, must be water main materials.
  - c. If between 400 and 1,000 feet, must be watertight sewer pipe.
7. Land application of solid waste - 100 feet.
8. Irrigation of waste water - 100 feet.
9. Concrete vaults and septic tanks - 100 feet.
10. Mechanical wastewater treatment plants - 200 feet.
11. Cesspools and earth pit privies - 200 feet.
12. Soil absorption fields - 200 feet.
13. Lagoons - 400 feet.
14. Chemical application to ground surface - 100 feet. Above ground storage - 100 feet; and on or underground storage - 200 feet.
15. Animal pasturage - 50 feet.
16. Animal enclosure - 100 feet.
17. Animal wastes.
- a. Land application of solids - 100 feet.
  - b. Land applications of liquid or slurry - 100 feet.
  - c. Storage tank - 100 feet.
  - d. Solids stockpile - 200 feet.

- e. Storage basin or lagoon - 400 feet.
- 18. Earthen silage storage trench or pit - 100 feet.
- 19. Basements, pits, sumps - 10 feet.
- 20. Flowing streams or other surface water bodies - 50 feet.
- 21. Cisterns - 50 feet.
- 22. Cemeteries - 200 feet.
- 23. Private wells - 200 feet.
- 24. Solid waste disposal sites - 1,000 feet.

**SEC. 74.34 GENERAL WELLS.** Proscriptions as set forth herein shall apply to all public water wells existing within the City of Waverly, except public water wells formerly abandoned for use by resolution of the city council.

- 1. The director shall designate each water well within the City of Waverly as being a "shallow well" or "deep well" for the purposes of this section. Such designation shall conform to the United States Environmental Protection Agency (E.P.A.) or Iowa Department of Natural Resources (D.N.R.) regulations.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

- 2. The use of structures or facilities existing at the time of enactment of this section may be continued even though such use may not conform with the regulations of this section. However, such structure or facility may not be enlarged, extended, reconstructed, or substituted subsequent to adoption.

**SEC. 74.35 PUBLIC WATER SYSTEM VS. PRIVATE WATER SYSTEMS.** To protect the public water system of the City of Waverly from potential sources of contamination and to protect the integrity of the system and the public's investments in the same.

- 1. Cross-connections between the city water system and private water systems are prohibited.
- 2. A person or property located within 200 feet of the city water system is prohibited from thereafter installing a private well to provide potable water. A person is prohibited from connecting any existing city water line to a private well for the purpose of offering a potable water supply.

3. Once a person or property has connected to the city water system that person or property is prohibited from disconnecting from the system or reconnecting to a private system. This section shall not prohibit the city from disconnecting a service for a non-payment.

**SEC. 74.36 REGULATIONS INTERPRETATION.** The director or such other official or body as shall have charge of water leasing, collection of rentals and the fixing of rates under this chapter shall decide all questions as to the meaning of any particular provision or term of this chapter, and their interpretation of any of the provisions, terms, or rates therein contained shall be final and binding upon the party using the city water. The city council may, however, either on appeal or on its own motion, at any time alter or revoke the director or other official's or body's interpretation. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.37 ACCEPTABLE MATERIALS.** The materials listed below are to be used in either new installations or repairs. All water main and services shall be installed in accordance with AWWA standards. All materials must comply with the requirements and standards of the Reduction of Lead in Drinking Water Act. Material submittals must be received with the water/excavation permit application. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

1. Watermain. Ductile class 52 with poly wrap typical, with director prior approval C-900 is permissible with tracer wire taped every two feet, tracer stations located at hydrants with tracer wire interconnected throughout the installation. All fittings must be ductile iron. Thrust restraint joints and fittings are required.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

2. Service lines. 1" type "K" copper typical, with director prior approval 1" CTS poly (250 PSI) is permissible with tracer wire. Tracer wire must be installed on the outside of the curb box with accommodations made to be continued from the curb stop to the house. CTS poly must have stainless steel inserts, the use of compression fittings are required. No barbed fittings are allowed.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

3. Hydrants. Mueller, Waterous or Clow are acceptable manufacturers being yellow in color, with two 2 ½" nozzles and one 4" nozzle. Hydrants legs are required to be 6 inches. An auxiliary valve must be installed in line with the hydrant.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

4. Corporation stop. Mueller H150082100-N, AY 74701B-22, or similar approved by the director. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

5. Curb stops. Mueller P-25209N, AY 76100-22, or similar approved by the director.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

6. Curb stop boxes. Small arch base (AY 5601) with two-hole erie cap, stainless steel rod (AY 5660SS) and pin. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
7. Valves. All valves 2 inch or larger shall be resilient seat gate valves in accordance with AWWA Standard C509. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

**SEC. 74.38 LEAK ADJUSTMENT POLICY.** (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

1. Introduction: The purpose of this policy is to assist residential customers with unexpected water/sewer bill increases caused by water leaks. This policy will help the city reduce water waste and maintain a sustainable economically viable water and sewer system. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
2. Statement of Responsibility: It is the customer's responsibility to avoid, identify, and repair all water leaks on or within their property. The city will not reimburse for increased water and sewer charges that result from customer negligence, which includes but is not limited to insufficient heat or the lack of power. The city is not liable for increased costs or damages caused by a water leak on the customer's property. The city grants bill adjustments based on merit and does not discriminate on the basis of sex, gender, age, race, ethnicity, religion, or place of origin.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
3. Qualifications for Residential Water and Sewer Adjustments: The following criteria must be met in order to qualify for an adjustment:  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - a) Customer has not been issued a high water adjustment in the past five years. The customer is the utility account holder. Others living at the address or having an interest in the address (including landlords, customers' roommates, family members, and others living in the same dwelling) are not eligible to apply for an adjustment. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - b) Customer has identified a leak on the property and has communicated knowledge of the leak with the city. Ways to identify a leak:
    - Customer notices a significant increase on their Waverly Utilities bill, specifically the water and sewer charges.
    - Customer has knowledge of a leak.
    - City of Waverly or Waverly Utilities notifies the customer of a potential leak via phone, email, in person, or by door hanger.  
(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)
  - c) Customer stops the excess water flow within 24 hours of an identified leak.
    - Water flow can be stopped by shutting off the water at the curb stop or with a valve in the house and by making the needed repairs.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

d) Customer has repairs completed within 30 days of an identified leak.

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

e) The leak results in one monthly utility bill having a combined water and sewer charge of \$150 more than the average monthly water and sewer charge. The 12 previous monthly charges will be used to calculate the average. If 12 months are not available, the average will be calculated using the history that is available. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

f) Customer submits completed high water adjustment form and proof of the completed repair (e.g. plumber certification, copy of receipts, etc.) to the city within 30 days of the leak being repaired. The form can be obtained from Public Services and submitted in the following ways:

- By email to [PublicServices@waverlyia.com](mailto:PublicServices@waverlyia.com)
- In person to Waverly Public Services at 2900 5<sup>th</sup> Avenue NW, Waverly, IA
- By mail to Waverly Public Services at P.O. Box 616, Waverly, IA 50677

(per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

4. High Water Adjustments: The city will notify the customer if they qualify for a one-time bill adjustment. If the customer qualifies, the city will authorize a bill adjustment on the Waverly Utilities bill for 50% of the difference between the combined high water and sewer charges from one billing period, and their 12-month average up to a maximum credit of \$2,000. (per Ordinance 1123, adopted 05/15/2023; Published 05/23/2023)

## **CHAPTER 75**

Repealed and Replaced by Ordinance 1124, Published 05/23/2023

### **WASTEWATER FACILITIES**

#### **Sections:**

- 75.1 Definitions.
- 75.2 Sewer Control
- 75.3 Powers & Authority For Inspection.
- 75.4 Enforcement.
- 75.5 Appeals.
- 75.6 Sewer /Excavation Permit. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
- 75.7 Hookup Fee deleted.
- 75.8 Sewer Construction.
- 75.8A Services. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
- 75.9 Prohibited Uses of Sewers.
- 75.10 Conditional Uses Of Sewers.
- 75.11 Discharge Permits.
- 75.12 Willful Discharge.
- 75.13 Nonwillful Discharge.
- 75.14 Wastewater Service Charges.
- 75.14A SEWER RATES, CHARGES AND MINIMUM CHARGES.
- 75.15 General Monitoring.
- 75.16 Sampling Manhole.
- 75.17 Flow Measurement.
- 75.18 Testing Wastes.
- 75.19 Acceptable Materials. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
- 75.20 Septic Hauler Program. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
- 75.21 FOG Program (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.1 DEFINITIONS.** As used in this chapter the following words shall be defined as follows:

1. Federal Government.
  - a. Federal Act. The term "federal act" means the federal water pollution control act (33 U.S.C. 1251 et seq) as amended.
  - b. Federal Administrator. The term "federal administrator" means the administrator of the United States Environmental Protection Agency.
  - c. Federal Grant. The term "federal grant" means the United States government participation in the financing of the construction of treatment as provided for by

Title II - Grants for Construction of Treatment Works of the Act and implementing regulations.

2. State Government.
  - a. State Act. See current Code of Iowa.
  - b. Executive Director. The term "executive director" means the Iowa Department of Natural Resources or the chairperson of the Iowa Water Quality Commission.
3. City Government.
  - a. Administrator. The term "administrator" means the city administrator.
  - b. Director. The term "director" means the public works director for the city.
  - c. Word Usage. "Shall" imposes a duty; "must" states a requirement; "may" confers a power.
4. NPDES Permit. The term "NPDES permit" means any permit or equivalent document or requirement issued by the federal administrator, or, where appropriate, by the executive director to regulate the discharge of pollutants pursuant to the applicable sections of the federal or state act.
5. Wastewater and Its Characteristics.
  - a. Wastewater. The term "wastewater" shall mean the spent water of a community. It may be liquid or a combination of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions.
  - b. Sewage. The term "sewage" shall mean wastewater.
  - c. Effluent Criteria. The term "effluent criteria" means any criteria defined in an applicable NPDES permit.
  - d. Water Quality Standards. The term "water quality standards" means standards defined in the Iowa Departmental Rules.
  - e. Unpolluted Water. The term "unpolluted water" means water of a quality equal or better than the applicable effluent criteria in effect under the state or federal act or water that would not cause violation of receiving water quality standards under the applicable act and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

- f. Milligrams per liter. The term "milligrams per liter" means a unit of concentration of water or wastewater constituent. It is 0.001 g. of the constituent in one thousand (1,000) ml. of water.
- g. SS. The term "SS" refers to the term "suspended solids" and shall mean solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."
- h. BOD. The term "BOD" refers to the term "biochemical oxygen demand" and shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, as expressed in milligrams per liter.
- i. TKN. The term "TKN" refers to the term "total kjeldahl nitrogen" which means the concentration of ammonia and organic nitrogen expressed in milligrams per liter.
- j. pH. The term "pH" refers to the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in "Standard Methods."
- k. Standard Methods. The term "Standard Methods" refers to the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- l. Garbage. The term "garbage" means the solid animal and vegetable waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- m. Properly Shredded Garbage. The term "properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with a particle not greater than one-half (1/2) inch (1.2 centimeters) as measured by any dimension.
- n. Slug. The term "slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any fifteen (15) minute interval more than three (3) times the average twenty-four (24) hour concentration of flows during normal operation or



may adversely affect the collection system or performance of wastewater treatment facilities.

- o. Sanitary Wastes. The term "sanitary wastes" means any solid, liquid or gaseous substance discharged, from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.
- p. Industrial Waste. The term "industrial waste" or "process waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escape from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources as distinct from sanitary wastes.

6. Sewer Types and Appurtenances.

- a. Sewer. The term "sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- b. Public Sewer. The term "public sewer" means a sewer owned by and subject to the jurisdiction of the city. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sewer system, even though these sewer may not have been constructed with city funds.
- c. Private Sewer. The term "private sewer" means a sewer not owned by the city. Private sewers within the city boundaries are subject to the jurisdiction of the city and subject to design standards established by the city.
- d. Sanitary Sewer. The term "sanitary sewer" means a public sewer that conveys wastewater, and into which storm , surface, ground and unpolluted waters are not intentionally admitted.
- e. Storm Sewer. The term "storm sewer" means a public sewer that carries storm, surface and groundwater drainage but excludes wastewater other than unpolluted water.
- f. Combined Sewer. The term "combined sewer" means a public sewer to be used as both a sanitary sewer and a storm sewer.
- g. Building Lateral. The term "building lateral" means the extension from the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall and extending to the public sewer or other place of disposal.



- (1) Division A - agriculture, forestry and fishing.
- (2) Division B - mining.
- (3) Division C - manufacturing.
- (4) Division D - transportation, communications, electric, gas, and sanitary services.
- (5) Division E - services.
- (6) Any nongovernmental user of a public owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

- d. Sampling Manhole. The term "sampling manhole" means a structure located on a building lateral for the purpose of providing access to sample or measure wastewater discharges.

#### 10. User Charges.

- a. Wastewater Service Charge. The term "wastewater service charge" means the charge per quarter or month levied on all users of the water pollution control facilities.
- b. O & M. The term "O & M" means the annual costs for operation and maintenance and includes replacement costs.
- c. Replacement. The term "replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the water pollution control plant to maintain the capacity and performance for which such plant was designed and constructed.
- d. Useful Life. The term "useful life" means the estimated period during which the water pollution control facilities will be operated and shall be thirty (30) years from the date of start up of any water pollution control facilities constructed with a Federal grant.

**SEC. 75.2 SEWER CONTROL.** The sewer system shall be under the direct supervision of the director who shall regularly report to the administrator on matters pertaining to sewers. The director may authorize any qualified person to inspect or perform work specified in this chapter.

**SEC. 75.3 POWERS AND AUTHORITY FOR INSPECTION.**

1. Access to Private Property.
  - a. General. Any person authorized by the director may enter any premises to inspect, observe, measure, sample or test wastewater. However, if the owner or occupant of the premises objects to the inspection, the inspector shall enter the premises only after obtaining a warrant from a magistrate.
  - b. Police Department. The police department shall cooperate with the director to enforce this section.
  - c. Limitations. The inspector shall not have any authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having a direct bearing on the kind and source of discharge to the public sewers, natural outlets or water pollution control facilities.
2. Easement Access. An authorized inspector or worker after bearing proper credentials and identification to the owner or occupant of the premises, shall enter the private premises to inspect, observe, measure, sample, install, repair or maintain any part of the sewage works that are located within an easement held by the city. However, the entry and any inspection or work within the easement shall comply with the terms of the easement.
3. Liability.
  - a. Duty of Care. While performing inspections or work on the premises, the inspector or worker shall observe all applicable rules established by the owner or occupant.
  - b. Harmless. An owner or occupant of a premises shall be held harmless for injury or death to an inspector or worker performing on the premises.
  - c. Indemnify. The city shall indemnify the owner or occupant for the loss or damage to property or for personal injury or death caused by the inspector or worker acting within the scope of the worker's or inspector's authority. However, if the negligence of the owner or occupant caused the loss, damage, injury or death, this paragraph shall not apply.

## **SEC. 75.4 ENFORCEMENT.**

1. Notice to Correct. A person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. Such notice may be delivered personally with written receipt returned or by certified mail. If delivered by certified mail, receipt shall be deemed given when mailed. The offender shall, within the period of time stated in the notice, permanently cease all specified violations. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
2. Penalty. A violation of this chapter is a simple misdemeanor. Additionally a person found to be in violation shall also be liable to the city for any damage, loss, cost or expense resulting from such violation.
3. Nuisance. A violation of this chapter shall be a nuisance. The person notified of the violation shall be notified of a right to a hearing before the council, as provided in this code. After the hearing or opportunity for hearing the council may order any of the following:

- a. Correction. Any necessary measure to correct and abate the violation by the person in violation or the administrator may be authorized to do so.
- b. Discontinuance. The sewer service to the premises where the violation occurs shall be discontinued. if the violation creates an immediate hazard to the operation of wastewater facilities or to any property or person, or if the violation is contrary to a condition of the applicable NPDES permit, the administrator may perform measures to abate the situation without notice or hearing.
- c. Assessment. The cost of repairing or replacing any sewer or structure and associated administrative costs (including but not limited to certified mail expenses) shall be assessed against the person found to have violated this chapter. Damages to public or private property, including loss of production, shall be assessed against the property where the violation occurred

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023).

- d. Collection. Any amount due to the city arising from a violation, shall be collected by the city. A lien may be assessed against the property where the violation occurred, and shall be levied and collected as with property taxes. The city may alternatively obtain a judgment and execute a judgment for the amount to be collected, including user charges, from the person incurring the liability for the payment of such charges.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.5 APPEALS.** If a decision, determination, or order is made against a person, or compels a person to act, under authority of this chapter, the person may appeal pursuant to the following procedure:

1. Appointment. The parties shall each appoint one engineer licensed pursuant to the Code of Iowa. An appointed engineer shall not be an employee of either party.

2. Investigation. Two professional engineers shall review the complaint, the decision of the administrator, all evidence used in the determination, and conduct an independent investigation of the case.
3. Report. Upon completion of the investigation, the engineers shall report to the council, recommending that the decision of the administrator be in part or in whole affirmed, modified or reversed. The report shall be submitted to the clerk. The clerk shall file the report and deliver a copy to the administrator, the other party, and the council.
4. Third Engineer. If the engineers cannot concur in a recommendation, they shall appoint a third engineer licensed pursuant to the current Code of Iowa. A majority of the engineers shall report to the council in the manner prescribed in this section.
5. Final Decision. The council shall hear the case within a month following the report being submitted to the clerk. The decision shall be in writing and delivered to the clerk within two months after the council hears the case. The clerk shall file the decision and deliver a copy to the administrator and the other party.
6. Fees. The fees of an engineer for performing services under this subsection shall be paid by the party appointing such engineer. If the appointment of a third engineer is required, the fees of such engineer shall be equally divided by both parties.

**SEC. 75.6 SEWER/EXCAVATION PERMIT.** A permit is required to create a new sewer service connection or to repair/adjust an existing sewer service or connection, including any work between the building and the sewer main (including any sewer main work). The permit application must be completed and submitted with a \$25 application fee. After review of the application, a permit may be issued allowing work to proceed. All code requirements must be followed, and the work must be inspected as directed by the permit.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)  
(Adopted December 4, 2023 and Published January 9, 2024)

**SEC. 75.7 HOOKUP FEE.**

Deleted per ordinance 766.

**SEC. 75.8 SEWER CONSTRUCTION.**

1. General. The construction of a sewer to be connected to the public sewer system shall be performed in conformance with applicable city specifications.
2. Procedure. The person owning property on which the construction is to be located, must submit plans for city approval, pursuant to the procedures established for sewer construction in this code. If the director determines that an interceptor is required, as described in this subsection, the owner must submit construction plans, showing such interceptors. Any plans required under this section, shall be submitted to the public works

office with the sewer/excavation permit application. All plans must be approved by the director, before the connection is made. The director or designee shall supervise the construction of said sewers. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

3. Junctions. A person shall not tap any public sewer at a place other than at the regular junction "tee" or "wye" built into the sewer, without specific authority from the director. The director or designee shall supervise the connection.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

4. Outside the City. A connection shall not be made to any sewer facility located outside the city, unless authorized by council resolution.

5. Combined Sewers. The installation or use of combined sewers is prohibited.

6. Permanent Disconnection. All sewer services that become obsolete because of the laying of new or larger services must be disconnected at the sewer main and reported to the sewer division. When a building is to be demolished or moved, eliminating the need for a sewer service, the sewer service must also be disconnected at the sewer main. If plans are to rebuild on the property the sewer service must be abandoned back to the property line. Acceptable means of disconnection include plugging or capping the connection at the main. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

7. Interceptors. Refer to SEC. 75.21 FOG Program.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.8A SERVICES.** (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Specifications. A service must be at least four inches in diameter. Such service must be gasket joint (Refer to SEC. 75.19 for specifications).

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

2. Installation. A service line must be installed beneath the surface of the ground at a level where the sewer main is installed beneath a street. The service line must be installed to prevent freezing. A service line may service a lot, if the connection is made from the main located adjacent to the lot to be serviced. However, a service line shall not service a lot by crossing another lot without the approval of the director.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

3. Maintenance. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a. Owner. A person who owns the premises where buried service lines are located shall maintain such lines, if the premises are served by such lines. The person must ensure the safety and efficient operation of the lines and prevent obstructions in the lines and leakage from the lines.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- b. Service leaks. All leaks on the service line or interior building lines will be the responsibility of the owner to repair. Leaks shall be repaired as soon as possible, within 14 days. If there are public safety concerns the city will hire a private contractor to complete the repairs and charge the owner for the work, which if not paid may be assessed against the served property. If the leak determined to be on the sewer main, the city shall pay for the costs incurred.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- c. City. If the director determines that any buried line, including service lines and connections does not comply with a provision of this chapter the director may order that the owner of the line repair or replace such line.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- 4. Liability. The city or a city employee acting within the scope of employment shall not be liable for damage resulting from work performed on buried lines or from any discontinuance of sewer service, if the following apply: (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a. Necessity. The action by the city was performed in the course of installing or repairing service facilities, or an emergency required such work or discontinuance of service; and

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- b. Negligence. The damage or discontinuance was not the direct result of negligence by the city. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.9 PROHIBITED USES OF SEWERS.**

- 1. Public Sewers. The following materials shall not be discharged into a public sewer:

- a. Inflammables. Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquids, solids or gases.
- b. Toxics. Any waters or wastes containing toxic substances, either solids, liquids or gases, in sufficient quantity, either singularly or by interaction with other wastes, to deteriorate any public sewer, injure or interfere with the sewage treatment process, or threatens the ecology or the public health including but not limited to the following list indicating maximum concentrations allowable in the wastes as discharged into the public sewer.

Substance	Maximum Concentration (mg/l)
Arsenic	0.3
Cadmium	1.0
Copper	2.0
Cyanide	0.2
Iron	5.0



Lead	1.0
Mercury	0.002
Nickel	3.0
Total Chromium	5.0
Zinc	2.0

- c. pH Levels. Any waters or wastes having a pH level lower than 5.5 or having any corrosive property capable of causing damage or hazard to the public sewer or structures, equipment, and personnel of the water pollution control facilities or operation thereof. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
  - d. Obstructions. Any solid or viscous substance, including in any form ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, or milk containers, either whole or ground by garbage grinders if the quantities or size of the substance is capable of obstructing the flow in the sewer, or interferes with the proper operation of the water pollution facilities.
2. Storm Sewers. Storm waters and other unpolluted waters shall be discharged into sewers designated as storm sewers. However, polluted wastewater shall not be discharged into storm sewers.
3. Sanitary Sewers.
- a. General. Storm waters, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted water shall not be discharged into any sanitary sewer.
  - b. Construction. A person installing or improving a sanitary sewer shall not allow storm, surface or subsurface water to enter into the sanitary sewer.  
(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
  - c. Illegal Connections. Any connections made before or after the effective date of this ordinance, which discharge prohibited materials, shall be subject to immediate removal by owner of the premise so connected and at such owner's expense. Should the owner of such an illegally connected premise fail to remove the connection within sixty (60) days, the city shall cause the connection to be removed and the cost thereof shall be billed to the owner of the premise.
  - d. Accidental Discharges. The accidental discharge of any prohibited liquid, gaseous or solid material into any public sewer or natural outlet, either directly or indirectly, shall be reported to the director immediately by the person responsible for the discharge. Although no penalty, as such, will be levied as a result of such accidental discharge, it shall be understood that the person shall not be relieved of its responsibilities and shall be liable for any expense, loss or damage occasioned by the city by reason of such accidental discharge.

**SEC. 75.10 CONDITIONAL USES OF SEWERS.** A person shall not discharge the following substances or waters, unless the person applies to the director for a permit and is granted a permit from the director: (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Water or Wastes. Water or wastes excluding sanitary wastes having:
  - a. BOD. Five-day BOD greater than forty two (42) lbs./day.
  - d. Suspended Solids. A suspended solids concentration greater than forty-two (42) lbs/day.
  - e. Average Daily Flow. An average daily flow greater than twenty-five thousand (25,000) gallons/day.
2. Liquid or Vapor. Any liquid or vapor having a temperature higher than one hundred twenty degrees (120) Fahrenheit or forty eight degrees (48) centigrade.
3. Greases. Any water or wastes which contain grease, fats, wax, or oil, whether emulsified or not, at concentrations in excess of one hundred (100) mg/l, or other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) to sixty-five (65) degrees centigrade.
4. Unshredded Garbage. Any garbage that has not been shredded. The installation and operation of the garbage grinder must be inspected and approved by the director, if the motor is three quarter (3/4) horsepower or more.
5. Non-edible oil. Any water or wastes containing non-edible type oil or grease such as petroleum or mineral oil or grease.
6. Gases. Any water or wastes containing more than ten (10) parts per million by weight of the following gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.
7. Phenols. Any water or wastes containing phenols or other taste or odor producing substances, if the substance is in excess of the following: 0.5 parts per million by weight.
8. Acid or Alkaline. Any water or wastes containing an acid or alkaline in reaction and having corrosive properties capable of causing damage or hazard to structures, facilities, or injury to persons.
9. Toxics. Any toxic substances, if the substances are not prohibited in this chapter. However, the amount of the substance discharged shall not be more than allowed in Section 75.19 (2) of this chapter.

10. Strong Acid Pickling Wastes. Any water or wastes containing the discharge of strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
11. Noxious Gases. Any noxious or malodorous gas or substances, which either alone or by interaction with other substances, threatens to create a public nuisance, threatens the public health, or prevents maintenance of sewer facilities.
12. Radioactive Wastes. Any radioactive waste or isotope with a half-life or concentration that is more than the limits established by the director. However, such limits must comply with applicable State/Federal law.
13. Unreasonable Concentrations. Concentrations of the following substances determined by the director to be at levels which threatens the operation of sewer:
  - a. Suspended Solids. Unusual concentrations of inert suspended solids such as, but not limited to fuller's earth, lime slurries, lime residues or dissolved solids (e.g. but not limited to sodium chloride and sodium sulfate).
  - b. Discolorations. Substances that cause excessive discoloration, including but not limited to, dye wastes and vegetable tanning solutions.
14. Nonamenable Substances. Any water or wastes containing a substance, if the substance is not amenable to treatment or reduction by city water pollution control processes, or if the substance is amenable but the water pollution control plant effluent does not satisfy county, state or federal applicable requirements.
15. Interactions. Any water or wastes that may interact with other water wastes allowed in the public sewer system if such interaction threatens structures, facilities, the ecology or the public health; releases obnoxious gases; or develops a color of an intensity or forms suspended solids in a concentration prohibited in this chapter.
16. Any Wastes. Any wastes, which in the opinion of the director, may harm either the public sewers, water pollution control plant, treatment process, equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the director shall give consideration of such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction in the sewers, nature of the treatment processes, capacity of the water pollution control facilities, degree of treatability of wastes in question, and other pertinent factors. Factors influencing this ruling and known conditions at the time of this ruling shall be recorded by the director in the plant file at the time the ruling is made. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
17. General. Any wastes, not prohibited by this chapter in concentrations not prohibited in this chapter, that is determined by the director to threaten sewer facilities, including the water pollution control plant, treatment process, equipment or lines; that threatens the public health; or that constitutes a nuisance.

**SEC. 75.11 DISCHARGE PERMITS.** A person discharging substances, waters or wastes for which a permit is required, must submit to the director an application for a discharge permit.  
(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Information. The above required application must contain the following information:
  - a. Owner. The name and address of the owner.
  - b. Title. The title of the official making the application.
  - c. Plant Location. The location of the plant.
  - d. Business Nature. The nature of the business conducted in the plant.
  - f. Volume. The volume of industrial waste mixture and sewage discharged by each plant.
  - g. Employees. The average daily number of employees working each shift in each plant.
  - h. Water Source. The source of water supply for each plant and the volume of water used by each plant.
  - i. Additional Information. Any additional information required to ascertain the volume, nature and composition of industrial waste discharge.
2. Application Conditions. Upon reviewing the application, the director may impose any conditions reasonable for the discharge of a substance for which a permit is required such as but not limited to accept the waste, reject the waste, require pretreatment to an acceptable condition for discharge to the public sewer, require control over the quantities and rates of discharge, and/or require payment to cover the added cost of handling and treating the wastes not covered by wastewater service charges under these provisions.
3. Permit Classes. A person granted a permit, must be granted one of the following classes of permits:
  - a. Class I. Any user whose wastewater, not including sanitary waste, is affected by sections 75.22 numbers 2 through 16 and has quantities less than the following:

Flow:	25,000 gpd
BOD:	42 lbs/day
SS:	42 lbs/day
  - b. Class II. Any user whose waste, not including sanitary waste, has any one of the quantities that may be more than the following:

Flow: 25,000 gpd  
BOD: 42 lbs/day  
SS: 42 lbs/day

- c. Class III. Any user whose waste, not including sanitary waste, has all the quantities that are more than the following:

Flow: 25,000 gpd  
BOD: 42 lbs/day  
SS: 42 lbs/day

4. Terms. All wastewater discharge permits shall be expressly subject to all provisions of this chapter and shall be valid for a one-year term and must be renewed thereafter. Exceptions to the term may be approved by the director in case of extenuating circumstance. Each permit shall contain the following terms: (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a. Volumes. The daily average and maximum wastewater flow volumes.
- b. Wastewater Strength. Average and maximum limits on the elements of the discharger's wastewater strength.

5. Permit Conditions. Wastewater discharge permits may contain any of the following conditions:

- a. Pretreatment Facilities. For discharges that require pretreatment:
- (1) Approval. Plans, specifications and other pertinent information relating to private treatment facilities shall be submitted to the public works department for approval of the director. Approval by the director is required before such facilities may be constructed.
- (2) Maintenance and Records. Private treatment facilities shall be continuously maintained at the owner's expense to ensure safe and efficient operation. The facilities shall be subject to city inspection. The owner shall maintain operating records and submit to the city a monthly summary report of the influent and effluent flow characteristics to show the performance of the pretreatment facilities.
- b. Limits. The limits on the rate and time of discharge or requirements for flow regulation and equalization.
- c. Sampling. Requirements for sampling manhole, including city access to such facilities.

- d. Monitoring. A monitoring program which may include: sampling locations; frequency and method of sampling; number, types, and standard of tests; and establishing a reporting schedule. The discharger assigned a monitoring program in conformance with this section must pay all applicable city charges.
  - e. Reports. Submission of technical reports or discharge reports.
  - e. Discharge Reports. Maintenance of plant records relating to wastewater discharges, as specified by the director. The city may inspect such records, upon reasonable notice and during regular business hours.
  - g. Other Conditions. Other conditions determined as necessary by the director.
6. Modifications. The terms and conditions of a wastewater discharge permit, including the average limits on the elements of wastewater strength, may be modified by the director for good cause. The discharger shall be provided a reasonable time to comply with the modification. However, if the modification affects the average limits of wastewater strength, the calculation of the sewage service charge shall immediately be made.
  7. Transfer. The transfer or assignment of a discharge permit is prohibited.
  8. Termination. The director may terminate any wastewater discharge permit for violation of the terms and conditions of the permit or the provisions of this chapter. A permit shall be terminated by the director if the discharger exceeds the maximum allowable discharge limits. A person whose permit has been terminated shall apply for a new permit within thirty (30) days of notice of termination. Any person whose permit has been terminated shall pay

wastewater services charges based upon his former permit until an new permit has been applied for, approved, and issued.

**SEC. 75.12 WILLFUL DISCHARGE.** If a connection to the public sewer system is found by the director to be willfully or continuously used to discharge any material in violation of this chapter, such connection shall be removed within sixty (60) days from the date that notice of the violation is delivered by the city. If the removal is not completed within sixty (60) days, the director shall order that the city complete the removal. The cost of such work by the city shall be billed to the owner of the premises served by the connection. The person shall be liable for any damages to sewer facilities caused by the discharge. A continuous discharge in violation of this chapter shall be prima facie evidence that the discharge is willful.

**SEC. 75.13 NONWILLFUL DISCHARGE.** If a connection to the public sewer system is used to discharge any substance in violation of this chapter, and the director determines that the discharge is not willful, the owner of the premises served by the sewer system where the discharge occurred, shall be liable for any damages to sewer facilities caused by the discharge. If the person in good faith reports to the city immediately after a prohibited discharge, the nature and extent of the discharge, the report shall be prima facie evidence that the discharge is not willful, unless such discharge is continuous.

**SEC. 75.14 WASTEWATER SERVICE CHARGES.** The cost and expense of financing the installation, maintenance and the operation of the water pollution control facilities shall be from funds available from the collection of wastewater service charges, as per a schedule of rates and changes as adopted by council and set forth at Section 75.14A which shall be published and available for public inspection.

1. Comprehensive Wastewater Service Charge. A person whose premises are served by a connection to the sanitary sewer of the city shall pay to the city a comprehensive wastewater service charge for the services supplied by the water pollution control facilities. The charges shall consist of the following:

a. O & M. A user charge for O & M of the water pollution control facilities.

b. User Charge. A user charge for maintenance of sewers.

c. Debt Service Charge. A debt service charge.

2. User Groups. Wastewater service charge rates shall be established according to the following user groups:

Group I. Residential Users, commercial and Class I permit users.

Group II. Class II permit users.

Group III. Class III permit users.

Group IV. Special rates.

3. Basis of Rates. The rates for comprehensive wastewater service charges shall be reviewed at least every two (2) years. Such rates may be revised as necessary to ensure that the system generates adequate revenues to pay the costs of operating and

maintaining the wastewater facilities. The system of charges must ensure a proportional distribution of costs as provided below.

4. Proportional Distribution. At the end of the fiscal year an adjustment must be calculated for each user group based on actual costs incurred and actual group loadings contributed during the previous fiscal year. The adjustment for each user group shall be applied to the group charge for the coming fiscal year. A separate adjustment shall be calculated for each Group I, Group II, Group III and Group IV users.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

5. Charges.

- a. Operation and Maintenance Charges for the Water Pollution Control Plant. The operation and maintenance charges shall provide revenue to pay for the costs of operation and maintenance of the water pollution control plant. The operation and maintenance costs include salaries and fringe benefits, utilities, chemicals, equipment repair, maintenance and all other miscellaneous expenses resulting from the operation of the water pollution control plant. The allocation of the plant operation and maintenance charge shall be based upon the quantities of flow, BOD and SS discharged by a user. The unit cost shall be determined as follows:
- (1) Unit Flow Cost. The unit flow cost per one thousand (1000) gallons shall be determined by multiplying the anticipated O & M budget by that percentage attributable to flow related operations and dividing by the anticipated year's total flow to the water pollution control plant.
  - (2) Unit BOD Cost. The unit BOD cost per pound shall be determined by multiplying the anticipated O & M budget by that percentage attributable to BOD related operations and dividing by the anticipated year's total BOD load at the water pollution control plant, measured in pounds.
  - (3) Unit Suspended Solids. The unit SS cost per pound shall be determined by multiplying the anticipated O & M budget by that percentage attributable to SS related operations and dividing by the anticipated year's total SS load at the water pollution control plant, measured in pounds.
- b. Sewer Maintenance Charges. Each user shall pay a sewer maintenance charge. The sewer maintenance charge shall pay for the maintenance of both sanitary and storm sewers. The cost shall be shared evenly by all sewer users. The cost per user shall be determined by dividing the anticipated budget by the total number of users which determines the total annual charge to be recovered from each user.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- c. Debt Service & Replacement Fund Charge. A debt service and replacement fund charge shall be collected to pay the city's cost for capital improvements and to provide revenue for a replacement fund. The replacement fund shall be maintained to provide funds for replacement of items of equipment and appurtenances at the water pollution control plant. Funds which are available from revenue collected by the debt service and replacement fund charge after payment of the bond principal and interest and bond coverage shall be transferred to the replacement fund. The debt service-replacement fund charge shall be derived by establishing a unit cost for flow, BOD and SS. The unit costs shall be derived for each parameter by dividing the capital costs attributable to each parameter by the capacity of the capital improvements. Each permit user shall pay a debt service charge and replacement fund charge based upon their permit discharge values.



- d. Service Charge Payments. Service charges shall be established for each group of users by resolution, provided that the resolution is consistent with this chapter. Revenue from the monthly charges shall be used for sewer maintenance and debt service. The basis for the amount charged to each group shall be based on the following:
- (1) Group I. The total periodic billing for sewer charges to Group I users shall be based upon water meter readings.
  - (2) Group II. The total periodic billing for sewer charges to Group II users shall be an amount based upon water meter readings and a permit surcharge factor (PSF). The PSF shall be determined by the director and noted on the discharge permit. The PSF shall be calculated by dividing the total O & M charges as set forth for Group III by the O & M charges established for Group I.
  - (3) Group III. The total period billing for sewer charges to Group III users shall be the sum of the plant O & M based upon monthly average values obtained from in situ measurements and samples, the sewer O & M and the debt service replacement fund charge based upon maximum values obtained from the users discharge permit.
- e. Special Rates. The council may, by resolution, set special rates for certain users, upon reviewing any recommendation presented by the director, if applying the usual rates would be inequitable to the city or to the user. Cases where the city may set such special rates includes the following:
- (1) Waste Character. The character, including the nature or use of the sewage or industrial waste requires an abnormal amount of work to purify.
  - (2) Pollution Level. The major portion of the city water consumed is not polluted or is not discharged into the sanitary sewer.
  - (3) Privately Produced Water Supplies. The water is produced from privately produced supplies. The special rates established must be calculated on an equal basis with the rates which would apply to an equal quantity and character of waste originating through the use of city water. The director shall designate any means necessary to measure the private water supply and resulting sewage flow, including any installation at the expense of the private producer. The producer shall cooperate with the director and report any information necessary to make the determination.
6. Payment Collection. The city shall bill each user of the sanitary sewer on a schedule compatible with the city water department.

- a. **Collection of Charges.** The finance director shall collect wastewater service charges in conjunction with the water rentals in accordance with the schedule of rates provided in this chapter or otherwise approved by the council. The finance director must maintain accurate and complete records of such collections and shall deposit the collections in a banking institution designated as the official depository of city funds. The finance director shall regularly report to the administrator a complete statement of collections made, pursuant to procedures established by the administrator. The finance director shall charge to the water pollution control facilities account the cost to the accounting department of collecting wastewater charges. The billing charges shall be subject to the approval of the council.
  
- b. **Failure to Pay Wastewater Service Charges.**
  - (1) **City Water Consumer.** If the person liable for a payment is a consumer of city water, the wastewater service charges shall be subject to the same rules related to delinquency and suspension of service as applies to water service. The city shall have a lien upon the property served by a sanitary sewer for the amount of delinquent wastewater service charge payments. The clerk shall certify all delinquent wastewater service charges to the county auditor for the purposes of taxation and establishing a lien on the property. For the purposes of certification only, service payments shall be designated as delinquent when records show that service payments have been unpaid for a period of at least one month after the due date.
  
  - (2) **Private Water Supply.** If a person liable for the payment receives water from a private supply, the person shall be subject to the same provisions described in paragraph 1 of this subsection.

(Following Fees Amended 03/28/23 by Ord. 1116) (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

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**SECTION 75.14A****ORDINANCE NO. 1116**

An Ordinance Amending Sewer Rates, Charges and Minimum Rate.

WHEREAS, The City Council of the City of Waverly has determined that increases in the sewer rates, charges and minimum rates are necessary to meet ongoing and capital needs of the sewer enterprise.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Waverly, Iowa, that Section 75.14A of the Waverly Municipal Code of Ordinances pertaining to Wastewater Service Charges be amended by listing the following rates, charges and minimum rate for sewer classes and that said following sewer rates, charges and minimum rate s are hereby adopted.

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**EFFECTIVE JUNE 2023 (10.0% increase)**

Charges shall be reflected on the utility bills for meters read in June 2023, and thereafter.

CLASS 1

Plant O & M (50%) (per 100 CF).....	\$ 3.92
Debt Service (30%) (per 100 CF).....	2.35
Sewer O & M (20%) (per 100 CF).....	<u>1.57</u>
	\$ 7.84 (per 100 CF)

Minimum Charge (245 CF).....	\$ 19.21
Non-Metered Sewer Rate (600 CF).....	47.04

CLASS 2 & 3

Plant O & M

Average Daily Flow (per 1,000 gal).....	\$ 37.58
Average BOD (lb per day).....	39.44
Average TSS (lb per day).....	26.97

Sewer O & M

Average Daily Flow (per 1,000 gal).....	\$ 46.67
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Debt Service

\$1.84 per 1,000 gallon x _____ permit maximum 24-hour flow
\$12.55 per 1,000 gallon x _____ permit maximum 30-day average flow
\$7.08 per pound x _____ permit maximum 30-day average lb/day/BOD
\$2.28 per pound x _____ permit maximum 30-day average lb/day/TSS

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**EFFECTIVE JUNE 2024 (2.5% increase)**

Charges shall be reflected on the utility bills for meters read in June 2024, and thereafter.

CLASS 1

Plant O & M (50%) (per 100 CF).....	\$ 4.02
Debt Service (30%) (per 100 CF).....	2.41
Sewer O & M (20%) (per 100 CF).....	<u>1.61</u>
	\$ 8.04 (per 100 CF)
Minimum Charge (245 CF).....	\$ 19.70
Non-Metered Sewer Rate (600 CF).....	48.24

CLASS 2 & 3

Plant O & M

Average Daily Flow (per 1,000 gal).....	\$ 38.52
Average BOD (lb per day).....	40.43
Average TSS (lb per day).....	27.64

Sewer O & M

Average Daily Flow (per 1,000 gal).....	\$ 47.84
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Debt Service

- \$1.89 per 1,000 gallon x \_\_\_\_\_ permit maximum 24-hour flow
- \$12.86 per 1,000 gallon x \_\_\_\_\_ permit maximum 30-day average flow
- \$7.26 per pound x \_\_\_\_\_ permit maximum 30-day average lb/day/BOD
- \$2.34 per pound x \_\_\_\_\_ permit maximum 30-day average lb/day/TSS



CLASS 2 & 3

<u>Excess Loading Charge</u>	30-day average (based on calendar month)
Flow excess.....	\$ 1,000
BOD excess.....	1,000
TSS excess.....	1,000
NH3N excess.....	1,000

CLASS 2 & 3 (Continued)

Daily Excess Loading Charge (Charges are not to exceed \$1,000/day for the facility)

$$\text{Number of times a Permit Limited item is exceeded per month} \\ \text{_____} \times \text{Flow excess} \times \$ 1,000$$

_____	x	BOD excess	x	\$ 1,000
_____	x	TSS excess	x	\$ 1,000
_____	x	NH3N excess	x	\$ 1,000
_____	x	pH limit max	x	\$ 1,000
_____	x	pH limit min	x	\$ 1,000

The minimum rate paid shall entitle each user of the City's sanitary sewer system to be charged in conjunction with the billing of two hundred forty-five (245) cubic feet of metered water during the month. The minimum rate, shown under Class 1, shall be applied in payment of the sewer system usage as measured and registered by the water meter during the month for which the minimum charge is made, according to the rates established under Class 1 above, provided always that no rebate shall be allowed if the sewer system usage in conjunction with the water usage does not reach two hundred forty-five (245) cubic feet for that month.

The present Iowa sales tax is excluded in the rate established under Class 1 above. Should other taxes be levied, then the rate established under Class 1 may be adjusted to include any additional tax burden upon the City occasioned thereby.

The City reserves the right to increase or change the sewer rates, rentals, and charges, without notice to the consumer, and at such times as the Council may deem proper, such charges, however, not to be retroactive.

All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

This ordinance shall be in effect from and after the passage and publication as required by law.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.15 GENERAL MONITORING.** The waste discharge of any user of the water pollution control facility may be monitored by the city. The director shall monitor at least once each year the waste discharge of a permit user or special rate user. The discharge permit shall state when monitoring may occur.

**SEC. 75.16 SAMPLING MANHOLE.** The director may require a permit user discharging wastes into the city's sanitary system to construct a sampling manhole according to standards adopted by the director. The sampling manhole must be located downstream from any treatment, storage tank, or other approved works, to facilitate observing, measuring, and continuous sampling of wastes from the permit user. Continuous sampling shall be performed by an automatically operated sampling device. The measurement of continuous flow shall be indicated, recorded, and totaled. If pH control is required or if other waste characteristics require special control, the user shall install waste monitoring equipment, approved by the director, to monitor and record such

characteristics. The sampling manhole shall be accessible to persons authorized by the director, at any time. The sampling manhole shall be installed pursuant to plans approved by the director. The user shall install and maintain the control structure to be accessible and operating at all times. The director may waive the requirement for a sampling manhole, if the user pays wastewater service charges required under Section 75.14 and tests of the wastes produce results similar to tests from other users or are measurable by other reliable indicators as determined by the director. The tests shall be considered a reliable basis to charge the user.

**SEC. 75.17 FLOW MEASUREMENT.**

1. In Situ Flow. The volume of flow used in computing sewer rental charges shall be based upon actual in situ flow measurements.
2. Alternative Measurement. If the director determines that is not practical to measure the actual sewage and industrial waste flow or the flow of diverted water, another manner of computing the amount of water diverted from or discharged into the public sanitary sewage system may be used by the division. If the director determines that it is not practical to make an actual measurement of the waste discharge from the premises of the customer into the public sanitary sewage system, the director may accept as the volume of waste discharged from the premises that which are shown by the city water meters.
2. Meter. If waste is discharged into the sanitary sewers of the city from premises where water is supplied by other than city sources, and such water is discharged into the sanitary sewers, the owner of the premises must install a water meter approved by the director to measure the volume of flow.

**SEC. 75.18 TESTING WASTES.**

1. General. Any measurements, tests or analyses of the characteristics of waters and wastes shall be determined pursuant to the latest edition of "Standard Methods for the Examination of Water and Wastewater."
2. Sampling. Samples for testing shall be collected at sampling manholes. If a sampling manhole is not required, the sampling shall be performed at the downstream control structure in the public sewer, that is located nearest to where the building sewer is connected. Sampling shall be performed by customarily accepted methods approved by the director.

**SEC. 75.19 ACCEPTABLE MATERIALS.** The materials listed below are to be used in either new installations or repairs. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Sanitary Sewer Services. Gasket joint SDR 23.5 with crushed stone encasement (4" and 6" services). Schedule 40 PVC is required for sewer service entry within five feet of the basement/building. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)
2. Sanitary Sewer Mains. Gasket joint SDR 35 with crushed stone encasement (8"-15") (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC. 75.20 SEPTIC HAULER PROGRAM.** (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Definitions:

- a) **Administrator.** The term “administrator” means the city administrator.
- b) **Director.** The term “director” means the public works director for the city.
- c) **Waste Hauler.** The term “waste hauler” means any person, firm, or entity engaging in the collection, removal or transportation of wastewater for the purpose of disposing at the wastewater treatment facilities.
- d) **Wastewater.** The term "wastewater" means the spent water of a community. It may be liquid or a combination of liquid and water carried wastes. For the purpose of this program, wastewater includes any privy vault, cesspool, sump, septic tank, chemical toilet, or acceptable commercial/industrial waste intended to be disposed of at the wastewater treatment facilities.
- e) **Water Pollution Control Facilities.** The term "water pollution control facilities" or "wastewater treatment facilities" means the publicly owned structures, equipment, and processes required to collect, convey, and treat wastewaters.
- f) **Domestic Load.** The term “domestic load” means a load of wastewater or FOG that was generated within Waverly city limits.
- g) **Non-Domestic Load.** The term “non-domestic load” means a load of wastewater or FOG that was generated outside of Waverly city limits.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023; this applies to paragraph 1 in its entirety)

2. Permit: No waste hauler shall collect, remove, or transport any wastewater for the purpose of delivering such waste to the wastewater treatment facilities without first obtaining a waste haulers permit issued by the City of Waverly.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

All applications for waste hauler permits must be submitted in writing, using the approved permit application, to the City of Waverly WPCF PO BOX 616, Waverly IA 50677. Applications are subject to review and approval by the director.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Permits are valid for one year. The permit must be renewed prior to the expiration date specified thereon. Renewal applications must be made in the same manner as an initial application and shall be subject to review and approval by the director in the same manner as initial applications. Renewal applications must be submitted no later than thirty days prior to expiration of the expiring permit. Waste hauler permits are not transferable.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

3. Rates: Fee for disposing of wastewater at the wastewater treatment facility is \$50.00 per 1000 gallons for domestic loads, or \$100.00 per 1000 gallons for nondomestic loads. The wastewater treatment facility does not have the instrumentation to determine how full the truck is, therefore it is assumed that the truck is always full. This charge will be based on the maximum capacity of the truck. This fee includes administrative and sampling costs associated with the program. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Fee for disposing of FOG (Fats, Oils, Grease) at the wastewater treatment facility is \$200 per load. Non-domestic FOG loads are not accepted.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

4. Hours of Operation: Wastewater will be accepted at the disposal station between the hours of 0730-1500 Mondays through Fridays. Weekend and holiday hauling will not be accepted. Emergency hauling outside the normal working times will be accepted only upon approval of the director. This approval must be obtained at least 24 hours prior to the projected hauling time. A surcharge of \$100 for after-hours hauling may be assessed to compensate for overtime hours worked by city personnel.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

5. Disposal Process: Waste haulers will be directed to first check in with Water Pollution Control Facility personnel at 1401 8<sup>th</sup> St SE Waverly, IA 50677. WPCF personnel will check necessary documentation/ information regarding the wastewater being hauled. Upon approval, the waste hauler will then be given a key to access the dump station at 801 Crestwood Ave SE Waverly, IA 50677. After disposal is complete, the key must be returned to WPCF personnel. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Waste haulers shall maintain the designated dumpsite at the disposal station in a clean, orderly condition so as to avoid noxious odors and unsanitary conditions. The hauler must satisfactorily clean up any spillage which occurs during discharge of hauled wastes.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

6. Identification of Waste: Waste haulers must provide documentation of the nature and origin of wastes delivered to the wastewater treatment facility at the time of delivery. Such information shall be provided on a manifest form provided at the time of check in. A manifest form must be completed for each load discharged. The manifest shall include: (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a) The name, address, and phone number of the waste generator
- b) The type of waste collected
- c) The approximate volume of the load

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

The director or designee shall have the right to verify the source, chemical nature, and volume of the material prior to disposal; including the right to sample and make chemical analysis thereof. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Random sampling of loads will be performed on a regular basis and waste hauler should be equipped with a way to obtain a representative sample. Fees for the additional testing are included in the normal hauling rate. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)



If the material is of a commercial or industrial origin, the waste hauler shall obtain approval for disposal of the waste from the director prior to loading the waste for delivery to the wastewater treatment facility. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

7. Waste Load Limits: Waste loads hauled from commercial or industrial sources must meet all applicable federal, state and local pretreatment standards. The director, prior to delivery to the disposal station, must approve loads from commercial or industrial sources. The city will routinely refuse to accept hauled wastes that can be land applied without additional treatment. All residential septic tank wastes that originate within the city limits of the city are acceptable. Waste loads must not be a hazardous waste as defined in 40 CFR Part 261 of the Federal Register, as amended.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Wastes from sand traps, such as those located in car, truck, and trailer washes, which primarily contain sand and dirt, **shall not** be routinely accepted for disposal at the wastewater treatment facility. Such wastes shall be land applied or land filled.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Wastewater containing contaminants listed in the Waverly City Code Section 75.9 "Prohibited Uses of Sewers" shall not be hauled to the wastewater treatment facility under any circumstances. Wastewater containing contaminants listed in the Waverly City Code Section 75.10 "Conditional Uses of Sewers" shall not be hauled to the wastewater treatment facility, unless written permission from the administrator or director is given to the hauler prior to delivery. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

8. Suspension/Revocation: Any of the following shall constitute cause for the suspension or revocation of a permit issued under this program when committed by a permit holder or any employee, agent, or representative of a permit holder:

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a) Giving any false or misleading statement concerning the nature, origin, or quantity of wastewater delivered for disposal.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- b) Giving any false or misleading information in connection with any new application or renewal application. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- c) Violation of any of the provisions of this program.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

In the event of an occurrence warranting the suspension or revocation of any permit issued under this chapter, the following procedure shall apply:

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- d) The director, or their designee, shall notify the permit holder, in writing, that the permit is suspended or revoked. Such notice shall be sent to the permit holder by certified mail, return receipt requested, at the address listed on the permit

holder's application. The notice shall set forth the nature of the violation and shall set forth the period of suspension, or in the case of revocation, that the permit is revoked. The director shall have the authority to determine whether a violation requires suspension (and for how long) or whether the permit should be revoked. The notice shall advise the-permit holder of their right to request a hearing on the suspension or revocation. The permit holder receiving a notice of suspension or revocation may request a hearing thereon before the director. The hearing request must be in writing, must have a copy of the notice of suspension or revocation attached to it, and must be delivered to the public works office (2900 5th Ave NW, Waverly, IA50677') no later than ten days after the date of such notice. If no request for hearing is made within the time set forth above, the suspension or revocation shall, upon the expiration of such time, become immediately effective and the permit holder shall have no right to further hearing or appeal. If timely request for hearing is made, the permit holder shall be notified in writing of the time, date and place of hearing which shall be no sooner than five, nor more than fifteen, working days following the public works office receipt of the request for hearing. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- e) If a hearing is requested, the suspension or revocation shall not become effective until the written decision of the director is made; provided, however, that if the director determines that the violations constituting cause for suspension or revocation present an immediate hazard to person or property, the director shall so state in the notice of suspension or revocation and, in that event, the suspension or revocation shall be effective immediately upon its issuance.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- f) Any permit holder whose permit has been revoked shall be ineligible for another permit for a period of one year after the date of revocation.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

9. Rejection of Loads: The director, or their designee, may reject any waste load delivered to the disposal station for disposal. Reasons for rejection include but are not limited to:

- a) Suspension or revocation of permit.
- b) Failure to obtain pre-approval for disposal of commercial or industrial wastes.
- c) Failure to complete a waste hauler manifest form.
- d) When a waste load exhibits unusual physical or chemical characteristics.
- e) When waste is from a source where pretreatment is necessary prior to disposal.
- f) To protect the wastewater treatment facility from damage.
- g) Non-payment of previous invoices.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

**SEC, 75.21 FOG PROGRAM.** (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

1. Definitions:

- a) **Administrator.** The term "administrator" means the city administrator.
- b) **Director.** The term "director" means the public works director for the city.

- c) **Best Management Practices (BMPs).** Methods or techniques found to be the most effective in achieving an objective such as preventing or minimizing pollution. For this program, BMPs refer to methods and techniques used by Food Establishments to minimize the deposition of FOG. An example of BMP is scraping excess food or solidified grease from cooking utensils, to be disposed of in the trash, before washing.
- d) **Fats, oils, and greases (FOG).** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”. A wide range of food preparation activities can generate fats, oils, and greases.
- e) **Food Establishment (FE).** A place where food is prepared and intended for individual portion service, whether consumption occurs on or off the premises. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, commercial kitchens, hospitals, schools, hotels, bakeries, caterers, religious institutions, correctional facilities, nursing homes, and care facilities.
- f) **Grease Interceptor:** An appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases from wastewater. There are two types of grease interceptors: gravity grease interceptors and hydro-mechanical grease interceptors.

-Gravity Grease Interceptor. Plumbing appurtenances of not less than 500 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and greases from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes. Gravity grease interceptors shall be installed outside for ease of inspection and hauling.

-Hydro-Mechanical Grease Interceptor. A passive plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases from wastewater discharge. Hydromechanical grease interceptors are identified by flowrate, separation, and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, barriers in combination or separately, and external flow control.

- g) **Grease Containment Device.** Any device or system that removes fats, oils, and greases from a waste stream.
- h) **Waste Hauler.** The term “waste hauler” means any person, firm, or entity engaging in the collection, removal, or transportation of wastewater for the purpose of disposing at the wastewater treatment facilities.
- i) **Water Pollution Control Facilities.** The term "water pollution control facilities" or "wastewater treatment facilities" means the publicly owned structures, equipment, and processes. required to collect, convey, and treat wastewaters.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

2. Purpose: This program sets forth the uniform requirements for users of the City of Waverly’s wastewater treatment facility to capture and dispose of fats, oils, and greases, enabling the city to comply with all applicable State and Federal regulations. No food establishment may intentionally or unintentionally allow the direct or indirect discharge of any fats, oils, or greases into the sanitary sewer system in such amounts as to cause interference with the collection and treatment systems.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Both new and existing FE facilities that generate in excess of 100 mg/l fats, oils, and greases as a result of food manufacturing, processing, preparation, or food service shall be subject to these requirements. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

3. Existing Establishments: The existing facility is deemed compliant if there is a grease interceptor or other grease containment device in place and the following conditions are all met:
- a) The FE continues to use the interceptor or other grease containment device.
  - b) The interceptor or other grease containment device is of sufficient capacity and design.
  - c) The interceptor or other grease containment device is operated and maintained so as to comply with the 100mg/l FOG discharge limit.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Third party testing of a facility’s waste stream, at the cost of the facility, shall be done annually to ensure the limits are being met. If a representative sample is unable to be collected, documentation regarding the design capacity of the grease containment device may be supplemented. Records of operation and maintenance will also be required in either scenario. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

If the existing FE is deemed noncompliant, due to lack of grease containment equipment or not meeting the requirements listed above, the ‘city will order the installation of an adequate grease interceptor. Deadlines for the completion of this process can be found below. The city will contact each FE with their designated “Risk Level”.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

#### Class 1 Establishments

- Notification of high-risk designation on or about September 1, 2023
- Permit application and interceptor proposal due no later than January 1, 2024
- Implementation of FOG program complete by March 1, 2024

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

#### Class 2 Establishments

- Notification of medium-risk designation on or about September 1, 2023
- Permit application and interceptor proposal due- no later than January 1, 2024
- Implementation of FOG program complete by December 31, 2024

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

FEs which are unable to install or replace a grease interceptor due to physical constraints or economic hardship may appeal to the city for approval of an alternative grease control technology. Such appeal should be submitted in writing and include detailed descriptions of the physical or financial constraints and of the alternative grease control technology which it proposes to utilize.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Regardless of compliance, each FE must submit a FOG application and comply with the requirements of this program. This includes proper documentation, cleaning, maintenance, and inspections. Penalties will apply to FEs that violate any part of this program.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

4. **New Establishments:** After the effective date of this program, any permitted construction of a food establishment shall include an adequately sized grease interceptor. The owner of the FE must complete a FOG application based on the design capacity of the grease interceptor before being granted a food or occupancy permit.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

5. **Grease Interceptors:** Grease interceptors shall be installed at the expense of the owner or operator of the FE which is contributing wastewater to the water pollution control facility. A proposed grease interceptor design is required with submittal of the FOG application if a facility is deemed to be noncompliant. Grease interceptors shall be designed and implemented according to the standards listed below.

- ASTM C1613: Standard Specification for Precast Concrete Grease interceptor Tanks
- ASTM F2649: Standard Specification for Corrugated High-Density Polyethylene (HDPE) Grease Interceptor Tanks
- ASME A112.14.3: Grease Interceptors
- ASME A112.14.4: Grease Removal Devices
- ASMEA112.14.6: FOG (Fats, Oils, and Greases) Disposal Systems
- IAPMO/ANSI Z1001: Prefabricated Gravity Grease Interceptors
- UPC Chapter 10: Traps/Interceptors and Separators
- PDI G101 :.Testing and Rating Procedure for Grease interceptors with Appendix of Sizing and installation Data

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

All waste streams containing FOG or reasonably likely to contain FOG within the FE shall be directed into one or more appropriately sized grease interceptors before discharge to the sewer system. Discharge lines which are not grease laden, which are not likely to contain FOG, or which contain sanitary wastes shall not be connected to the grease interceptor.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Bioremediation media is only allowed with written permission from the wastewater treatment facility. This request must be made before the implementation of the bioremediation media and must demonstrate that the FE has the appropriate FOG system in place. Additional testing may apply.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Gravity grease interceptors shall be installed outside the building and below surface grade, and shall have access manholes, with a minimum diameter of 24 inches, over each chamber and sanitary tee. Access manholes shall extend from the grease interceptor to at least the finished surface grade and be designed to prevent storm or surface water inflow. The manholes shall also have readily removable covers to facilitate inspection and grease waste hauling. The minimum size of a gravity grease interceptor shall be no smaller than 500 gallons. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Hydro-mechanical interceptors shall be located downstream of each fixture or multiple fixtures in accordance with the manufacturers instructions. Ready access shall be provided for cleaning, servicing, and inspection, at all times.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Hydro-mechanical and gravity grease interceptors shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less than 6 inches above the flood rim level or be installed in accordance with the manufacturer's instructions.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

The director or other designated official of the city shall inspect and approve each interceptor, ensuring that all applicable design standards and requirements are met.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

6. Cleaning and Maintenance: Grease containment devices shall be maintained in an efficient operating condition at all times, in accordance to the manufacturer's instructions. All grease waste shall be properly disposed of at an approved facility in accordance with federal, state, and local regulation. The FE shall keep record what company was used to haul the FOG waste and approximately how much FOG waste was hauled.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Self-cleaning of hydro-mechanical interceptors is allowed, but only after written city approval. The following conditions must be met when a FE wants to self-clean:

- The grease interceptor is no more than 100 GPM sizes.
- Proper on-site material disposal methods are implemented (Ex. Adsorb material to dewater before disposing in the trash) or FOG is placed in leak proof, sealable container(s) located on the premises for a hauler to pump out.
- Detailed records are maintained and readily available for inspection.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Grease containment devices shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the system as designed and approved. Grease containment devices shall be completely evacuated a minimum of every sixty (60) days, or more frequently when one of the following conditions is met:

- Twenty-five(25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the inlet/outlet of each chamber, contains floating material, sediment, or FOG. Each chamber shall be evaluated separately for the purposes of measurement and the requirement for evacuation.
- There is a history of non-compliance with this program.
- The discharge exceeds FOG or other pollutant levels determined by the wastewater treatment facility.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Each grease. containment device, when cleaned, shall be fully evacuated and immediately put back into service. Following the cleaning, the system shall be subject to inspection. The maximum period in between cleanings may be increased or decreased based on the inspection records. This change will be denoted on the FOG permit.

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

Annually, the city will contact each of the FEs for inspections and permit renewal. While city staff is onsite, they will need access to the food preparation facility, all documentation associated with maintenance/cleaning, and the interceptor or other grease containment device. (per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

7. Legal Requirements and Penalties:  
Federal Water Pollution Control Act (Clean Water Act 33 U.S.C. 1251)  
Waverly City Code. Chapter 75.10. (Conditional Uses of Sewers)

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

8. FOG Program Enforcement Schedule of Penalties:

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- a) Failure to submit FOG application or proposed grease containment equipment:
- 1<sup>st</sup> Notice of violation - 7 calendar days to correct
  - 2<sup>nd</sup> Notice of violation - \$100 penalty and 24 hours to correct
  - 3<sup>rd</sup> Notice of violation- Municipal infraction, \$100 fine, and injunctive relief

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- b) Failure to follow maintenance and cleaning listed within permit:
- 1<sup>st</sup> Notice of violation - 48 hours to submit corrective action
  - 2<sup>nd</sup> Notice of violation - \$100 penalty and 24 hours to correct
  - 3<sup>rd</sup> Notice of violation - Municipal infraction, \$100 fine, and injunctive relief

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- c) Operation of food establishment without grease containment equipment as determined by FOG program:
- 1<sup>st</sup> Notice of violation- 7 calendar days to submit corrective action plan
  - 2<sup>nd</sup> Notice of violation - Municipal infraction, \$100 fine, and injunctive relief

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- d) Incorrect installation of grease containment equipment and associated plumbing:
- 1<sup>st</sup> Notice of violation - 7 calendar days to submit corrective action plan and/or correct
  - 2<sup>nd</sup> Notice of violation - Municipal infraction, \$100 fine, and injunctive relief

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)

- e) Falsification of records and data:
- 1<sup>st</sup> Notice of violation - 24 calendar days to submit corrected records
  - 2<sup>nd</sup> Notice of violation – Municipal infraction, \$100 fine, and injunctive relief

(per Ordinance 1124, adopted 05/15/2023; Published 05/23/2023)



## CHAPTER 76

### MUNICIPAL ELECTRIC SYSTEM

#### Sections:

- 76.1 Confirmation.
- 76.2 Management of System.

**SEC. 76.1 CONFIRMATION.** The establishment maintenance and operation of an electric light and power plant, with all necessary poles, wires, machinery, apparatus, transmission facilities, and other requisites of the plant by the city, is confirmed.

**SEC. 76.2 MANAGEMENT OF SYSTEM.** For the purpose of regulating and operating said system a board of electric trustees was established November 1, 1977, and such board shall manage the system and exercise the powers and duties afforded the board by Iowa Code Chapter 388 and City Code Chapter 40.

## CHAPTER 77

### POWER & COMMUNICATION LINES

**Sections:**

- 77.1 Authority.
- 77.2 City Use Of Poles.
- 77.3 Joint Use.
- 77.4 Conduits.

**SEC. 77.1 AUTHORITY.** The city has the authority to regulate the size, type, location, installation, weatherproofing, appearance safety, and location of any electric, telephone or telegraph poles or wires.

**SEC. 77.2 CITY USE OF POLES.** Each power of communication line pole installed on any right-of-way shall have a place reserved near the top of such pole for lines or facilities, including alarm systems, owned by the city.

**SEC. 77.3 JOINT USE.** The city may compel any person authorized to use of a power or communication line requiring a pole, to use an existing pole on terms agreed to by the person and the owner of the pole. If the parties cannot agree on the terms of the agreement, the council shall determine the terms after a hearing where the administrator, and the parties may present evidence.

**SEC. 77.4 CONDUITS.** The city shall have the authority to install through any part of the city, a subway conduit for carrying power or communication lines. The city may compel that any person using power or communication lines, install such lines in the subway conduit, on terms set by the city negotiation.

## **CHAPTER 78**

Repealed and Replaced by Ordinance 1125, Published 05/23/2023

### **WATER and SEWER CONNECTION FEES**

#### **Sections:**

- 78.1 Northeast Waverly Water and Sewer Connection Districts.
- 78.2 10<sup>th</sup> Avenue Water Main Extension Connection District.
- 78.3 Southeast Water Connection District.
- 78.4 East Bremer Avenue Sewer Connection District.

#### **78.1. Northeast Waverly Water and Sewer Connection Districts.**

**Boundaries.** The Northeast Waverly Water and Sewer Connection Districts are hereby established for the purpose of collection within each said district of a fee from those property owners who shall make application to connect their properties to the water or sanitary sewer utilities of the city.

- (a) District Boundaries. The boundaries of the Northeast Waverly Water Connection District shall be as follows:

Hind's Addition; Hind's 2nd Addition; Cedar Lane Acres Additions; Murphy's Additions and Replats; Fairholm. Addition; Section 27-9214 SE-SE (East of River); Section 34-92-14 NE-NE (East of River), SE-NE (East of River); Section 26-92-14: SW-SW, SE-SW, SW-SE, SE-SE; Section 35-92-14: NW-NW, NE-NW, SW-NW (North of River), SE-NW (North of River), NW-NE, NE-NE, SE-NE, SW-NE (East of River), NW-SE (East of River), NE-SE, SW-SE (East of River-Exc. S. Fr. Pt. Aud. Lot 12); Auditor's Plat of SE 1/4-Section 35-92-14 (Lots 1-11 & N. Fr. Pt. of Lot 12 & Middle Fr. Pt. of Lot 12); Section 36-92-14: NW-NW, NE-NW, SE-NW, SW-NW, NWSW, NE-SW, SE-SW, SW-SW, Lots 1-4 SW1/4; Section 1-91-14 (N 49.5 Acres of NW 1/4 Ex. S 266' of N. 758.4' of W. 408.48' Section 2-91-14 (Lots 1 & 2 and Parcel Adjacent to South in NE Corner of NE 1/4).

- (b) District Boundaries. The boundaries of the Northeast Waverly Sewer Connection District shall be as follows:

Hind's Addition; Hind's 2nd Addition; Cedar Lane Acres Additions; Murphy's Additions and Replats; Fairholm Addition; Section 27-9214 SE-SE (East of River); Section 34-92-14: NE-NE (East of River), SE-NE (East of River); Section 26-92-14: SW-SW, SE-SW, SW-SE, SE-SE; Section 35-92-14: NW-NW, NE-NW, SW-NW (North of River), SE-NW (North of River), NW-NE, NE-NE, SE-NE, SW-NE (East of River), NW-SE (East of River), NE-SE, SW-SE (East of River-Exc. S. Fr. Pt. Aud. Lot 12); Auditor's Plat of SE 1/4-Section 35-92-14 (Lots 1-3 & 6-11 & N. Fr. Pt. of Lot 12 & Middle Fr. Pt. of Lot 12 Section 36-92-14: NW-NW; SE-NW (West of Road and W. Pt. of S. 30 Rods; SW-NW, NW-SW, NE-SW (Pt. N. 26 Rods S 1/2 NE-SW), SW-SW (N 1/2 SW-SW-Exc. Lot I of Aud. Plat of SW 1/4).

#### **Connection Fee.**

Sanitary Sewer Utility Connection Fee. The connection fee for the sanitary sewer utility shall be based on each connection determined to be within the connection district boundaries.

The connection fee for the sewer connection shall be \$6,391.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the sanitary sewer main.

Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries.

The connection fee for each water connection shall be \$3,989.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

### **78.2 10<sup>th</sup> Avenue Water Main Extension Connection District.**

**Boundaries.** The 10<sup>th</sup> Avenue Water Main Extension Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the water utility of the city.

(a) District Boundaries. The boundaries of the 10<sup>th</sup> Avenue Water Main Extension Connection District shall be as follows:

The Connection Fee Boundaries includes all the following parcels:

E ½ of the SW ¼ of Section 4	T91N R14N of the 5 <sup>th</sup> P.M.
NW ¼ of the SE ¼ of Section 4	T91N R14N of the 5 <sup>th</sup> P.M.
S ½ of the SE ¼ of Section 4	T91N R14N of the 5 <sup>th</sup> P.M.
SW ¼ of the SW ¼ of Section 3	T91N R14N of the 5 <sup>th</sup> P.M.
NE ¼ of the NW ¼ of Section 9	T91N R14N of the 5 <sup>th</sup> P.M.
N ½ of the NE ¼ of Section 9	T91N R14N of the 5 <sup>th</sup> P.M.
NW ¼ of the NW ¼ of Section 10	T91N R14N of the 5 <sup>th</sup> P.M.

### **Connection Fee.**

Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries.

The minimum connection fee for each water connection shall be \$4,600.00 and said fee shall increase based on the diameter of the water pipe connecting to said main as shown in the following connection fee schedule:

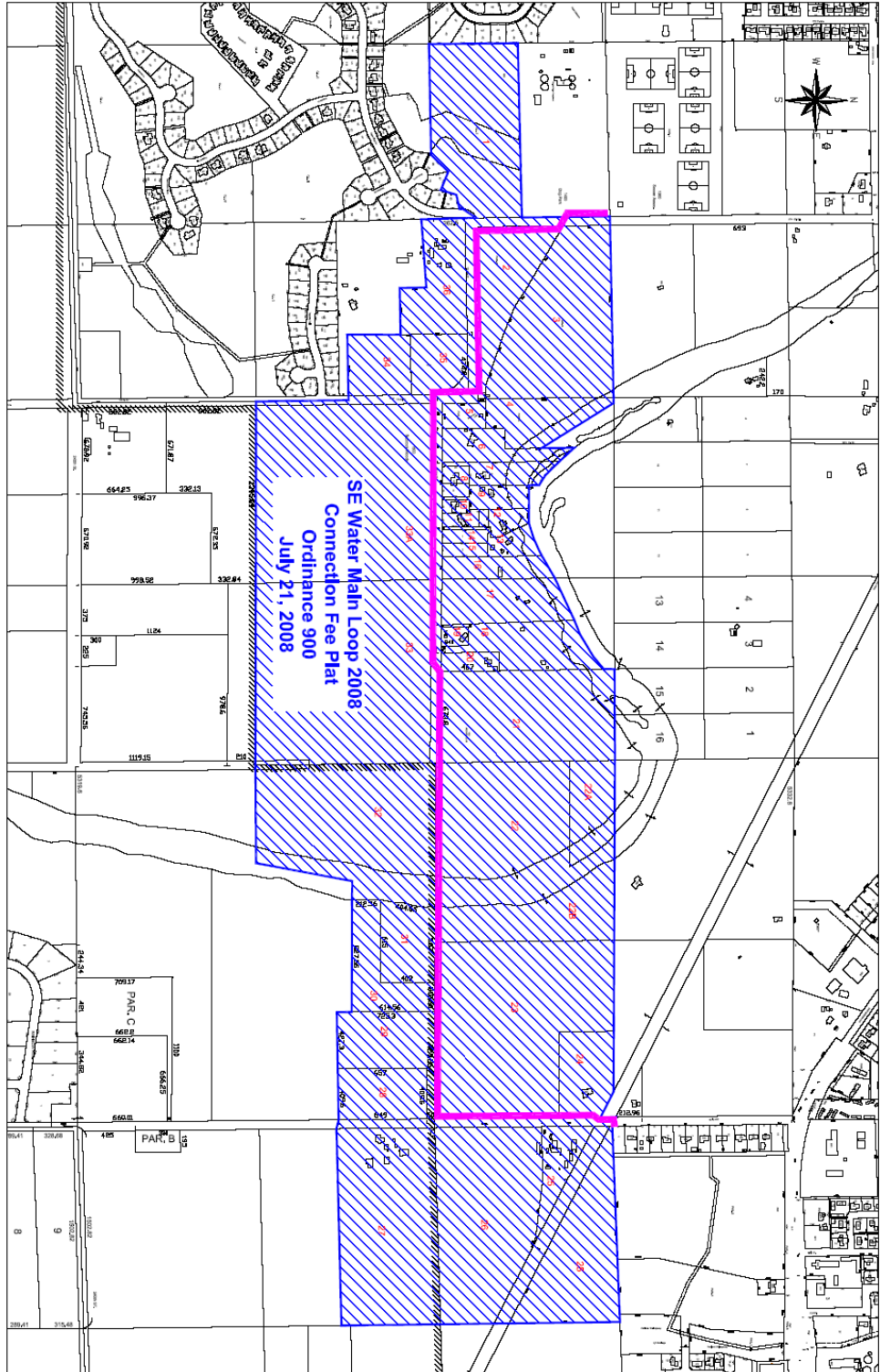
Diameter less than or equal to 1"	1.0 Connection Fee Units = \$ 4,600.00
Greater than 1" and less than or equal to 2"	1.5 Connection Fee Units = \$6,900.00
Greater than 2" and less than or equal to 4"	2.0 Connection Fee Units = \$9,200.00
Greater than 4" and less than or equal to 6"	2.5 Connection Fee Units = \$11,500.00
Greater than 6" diameter	3.0 Connection Fee Units = \$13,800.00

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

### 78.3 Southeast Water Connection District.

**Boundaries.** The Southeast Water Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the water utility of the city.

- (1) District Boundaries. Centennial Oaks Golf Club Add Outlot E; (2) Parcel R SE NE 11-92-14; (3) Parcel S SE NE 11-92-14; (4) Parcel E SW NW; (5) Parcel D SW NW; (6) Pt of SW Cor SW NW 12-91-14; (7) Winzenburg Add 11; (8) Winzenburg Add 2 # 3 1; (9) Pt of SE Cor SW NW 12-91-14; (10) Winzenburg Add 1 2; (11) Winzenburg Add Lot 2 Blk 2 "EX N 70"; (12) N 70' Lot 2 Blk 2 & Tract in SW NW 12-91-14 Winzenburg Add; (13) Part SW NW 12-91-14; (14 & 15) Winzenberg Add 1&2 3; (16) E 10 Rod South of River SW NW 12-91-14; (17) W ¼ SE NW 12-91-14 South of River; (18) E ½ W ½ SE NW 12-91-14 S of River "Ex S 467' E 140'" & "Ex Parcel A"; (19) Parcel A SE NW 12-91-14; (20) S 467' E 140' W ½ SE NW 12-91-14; (21) E ½ SE NW 12-91-14; (22) SW NE 12-91-14 22 A West of River; (22A) N ½ NW SW NE 12-91-14; (22B) SW NE E of River 12-91-14; (23) SE NE 12-91-14 "Ex NE 6A"; (24) N 6A E ½ SE NE 12-91-14; (25) N Fr Part SW Fr NW Fr; (26) SW Fr NW Fr "EX Railroad"; (27) N 25 AC W Fr ½ SW; (28) S649' N709' E409.6' NE SE 12-91-14; (29) NE Fr Part NE SE 12-91-14; (30) Tr in N Fr Part SE E of River 12-91-14; (31) TR 402' x 563' N Fr Part SE ¼ E of River 12-91-14; (32) NW SE 12-91-14 West of River; (33) NE SW 12-91-14; (33A) NW SW 12-91-14; (34) N 656.42' E 484.93' NE SE "Ex Parcel M"; (35) 9-E & 9-11H; (36) S Fr Pt SE NE & N Fr Pt NE SE 11-91-14



Connection Fee.

Water Utility Connection Fee. The connection fee for the water utility shall be based on each connection determined to be within the connection district boundaries. The connection fee for each water connection shall be \$5,400.

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.

**78. East Bremer Avenue Sewer Connection District.**

**Boundaries.** The East Bremer Avenue Sewer Connection District is hereby established for the purpose of collection within said district of a fee from those property owners who shall make application to connect their properties to the sanitary sewer utility of the city.

- (1) District Boundaries. South Lot \$10,000 connection fee; North Lot \$10,000 connection fee; Lot 8 Monaghans \$10,000 connection fee; Lot 7 Monaghans \$10,000 connection fee; Parcel H \$20,000 first connection fee; Parcel H \$10,000 subsequent connection fee; SW SE Section 6 ex. H \$20,000 first connection fee; SW SE Section 6 ex. H \$10,000 subsequent connection fee; Lot 6 Monaghan 2<sup>nd</sup> \$10,000 connection fee; Lot 5 Monaghan 2<sup>nd</sup> \$10,000 connection fee; Lots 3 & 4 Monaghan 2 \$10,000 connection fee; Lots 1 & 2 Monaghan 2 \$10,000 connection fee

CONNECTION DISTRICT PLAT



**Connection Fee.**

Sanitary Sewer Utility Connection Fee. The connection fee for the sanitary sewer utility shall be based on each connection determined to be within the connection district boundaries.

The connection fees are as follows:

South Lot \$10,000 connection fee;  
North Lot \$10,000 connection fee;  
Lot 8 Monaghans \$10,000 connection fee;  
Lot 7 Monaghans \$10,000 connection fee;  
Parcel H \$20,000 first connection fee;  
Parcel H \$10,000 subsequent connection fee;  
SW SE Section 6 ex. H \$20,000 first connection fee;  
SW SE Section 6 ex. H \$10,000 subsequent connection fee;  
Lot 6 Monaghan 2<sup>nd</sup> \$10,000 connection fee;  
Lot 5 Monaghan 2<sup>nd</sup> \$10,000 connection fee;  
Lots 3 & 4 Monaghan 2 \$10,000 connection fee;  
Lots 1 & 2 Monaghan 2 \$10,000 connection fee  
Ordinance 1065 09/24/19

The connection fee shall be due and payable in full at the time a water/sewer/excavation permit is obtained from the city by the property owner to connect to the water main.



**CHAPTER 79**

**WAVERLY COMMUNICATIONS UTILITY**

**Sections:**

79.1 Establishment.

**SEC. 79.1 ESTABLISHMENT.** Pursuant to a vote of the people held November 7, 2000, establishing a municipal cable communications or television system under the management and control of the Board of Trustees of the Waverly Municipal Utilities, the WAVERLY COMMUNICATIONS UTILITY was established by Ordinance 970 on June 20, 2013.