

TITLE 111 - PUBLIC SERVICES

WATER SERVICE SYSTEM

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CHAPTER 90

WATER SYSTEM

90.01 Purpose

90.02 Policy Direction

90.03 Superintendent

90.04 Service Rules and Regulations

90.05 Rates

90.06 Areas in 2-Mile Jurisdiction Reserved from Rural Water Districts

90.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipal water system.

90.02 POLICY DIRECTION. The Council shall establish appropriate rules and regulations governing the water system.

90.03 SUPERINTENDENT. The City Manager shall appoint a superintendent who shall be responsible for execution of policies governing the system as established by the Council.

90.04 SERVICE RULES AND REGULATIONS. The rules and regulations for water service are as contained in the "Service Rules of the Webster City Water System." An official copy of the rules and regulations is on file in the office of the Clerk. The rules and regulations contained, therein shall apply to all users of the municipal water system.

90.05 RATES. The rates for water service including purchase of water shall be as established in this Section. The effective date shall be the July, 2007 billing cycle and remain in full force and effect until such time as amended by law. The rates may be amended periodically by City Council action and Adopted by ordinance.

1. The volume used for billing purposes shall be equal to the volume measured by the water supply meter. The billing period shall be approximately 30 days.

Monthly fixed base cost:	\$4.30
Volume:	
First 2000 cubic feet	\$3.17 per 100 cubic feet
Next 2000 cubic feet	\$2.67 per 100 cubic feet
Over 4000 cubic feet	\$2.37 per 100 cubic feet

2. In addition each water customer will be charged the following Water Well Surcharge per month:

Residential Rate	\$ 5.50
Commercial	\$16.00
Industrial	\$.60 per unit used
Public Authority	\$60.00 flat fee

All Water Well Surcharges are to be deposited in the Well Improvement Sub Fund. Sunset on the Water Well Surcharge will be one month after the collection of \$1,500,000.00 for the Well Improvement Sub Fund.

(Ord. 2009-1693 – Feb 09 Supp.)

3. The City of Webster City and Xenia Rural Water have mutually agreed upon seven (7) areas reserved for water service by the City. This section shall also apply to any other areas outside the corporate limits of the City desiring water services.

A. Connection Fee Information

1) If a property owner within an area reserved from Xenia wishes to have City water service, the water connection fee will be \$7,000.00 for a standard residential water line.

2) Other connection fees are:

¾" line - \$ 7,000.00
1" line - \$ 10,500.00
1 ¼" line - \$ 14,000.00
1 ½" line - \$ 17,500.00
2" line - \$21,000.00

Connection to existing water service (i.e. already has water service into the lot):

¾" line - \$ 3,500.00
1" line - \$ 8,750.00
1 ¼" line - \$ 10,500.00
1 ½" line - \$ 12,250.00
2" line - \$14,000.00

For each nominal pipe size, the rate shall increase by 50% of the base rate of each rate category.

B. Applicants Responsibilities

All applicants who wish to connect to City of Webster City water must:

- 1) Submit a written request for water service to the Public Works Department. Applications will need to include:
 - a) Site map of proposed buildings to be served (showing footprint of property including buildings and street/road).
 - b) Desired date for service to start.
- 2) Sign up for applicable water service in Utility Office.

3) Along with the written request to connect to the City's water system, the Applicant needs to provide the following:

- a) Submit connection fee prior to start of work.
- b) Obtain plumbing permit for service line connection.
- c) Provide positive disconnection between City water system and applicant's well system.
- d) The monthly water base rate is **double current base rate in this chapter** and user rate per gallon is **current user rate plus 20 %** (plus tax).

C. City's Responsibilities

The City of Webster City will bring the water service to within 300' of the nearest building on the property or to the property line whichever is closer to the applicant.

D. Termination

The City of Webster City may terminate any water service in violation of the water service rules set forth by the City of Webster City.

E. Reservation of Right

Notwithstanding the above, the City of Webster City reserves the right to deny, for any reason, the connection of service to any applicant.

4. Should a property owner *within the corporate limits* desire to hook onto a water main, the connection fee schedule would be as follows:

Connection to water main for new construction - (i.e. new house or building with no existing service):

- ¾" line - \$ 3,750.00
- 1" line - \$ 5,625.00
- 1 ¼" line - \$ 7,500.00
- 1 ½" line - \$ 9,375.00
- 2" line - \$11,250.00

Connection to existing water service (i.e. already has water service into the lot):

- ¾" line - \$ 1,750.00
- 1" line - \$ 2,625.00
- 1 ¼" line - \$ 3,500.00
- 1 ½" line - \$ 4,375.00
- 2" line - \$ 5,250.00

For each nominal pipe size, the rate shall increase by 50% of the base rate of each rate category.

5. The connection fee to the water main installed as part of the 2002 Water Distribution Improvement Project shall be \$3,750.00 per connection. Said water main is located along Millards Lane, west across Highway 17, south to include Gourley's Subdivision. **(Ord. 2009-1692- Feb. 09 Supp.)**

90.06 AREAS IN 2-MILE JURISDICTION RESERVED FROM RURAL WATER DISTRICTS. Areas reserved from the creation of a Rural Water District within the City of Webster City's 2-mile jurisdiction include the following:

Area 1

Beginning at the SE corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-89-25; thence north to the NW corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-89-25; thence east to the NE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-89-25; thence south to the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-89-25; thence east to the SW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-89-25; thence north to the NW corner of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32-89-25; thence east to the east line of Section 32-89-25; thence north to the NW corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33-89-25; thence east to the west line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33-89-25; thence north along the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ to NW corner NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33-89-25; thence north along the west line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28-89-25 to the NW corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28-89-25; thence west along the north line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28-89-25 to the NW corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28-89-25; thence west along the north line of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 29-89-25 to the east right of way line of the Union Pacific railroad; thence south along the east right of way line of the Union Pacific railroad to the south line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-89-25; thence east along the south line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-89-25 to the SE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32-89-25; to said point being the point of beginning.

Area 2

Beginning at the SW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36-89-26; thence north to the NW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36-89-26; thence west along the north line of the SE $\frac{1}{4}$ of Section 36-89-26 to the NW corner of the SE $\frac{1}{4}$ of Section 36-89-26; thence west along the north line of the SW $\frac{1}{4}$ of Section 36-89-26 to the NW corner of the SW $\frac{1}{4}$ of Section 36-89-26; thence west along the north line of the SE $\frac{1}{4}$ of Section 35-89-26 to the NW corner of the SE $\frac{1}{4}$ of Section 35-89-26; thence west along the north line of the SW $\frac{1}{4}$ of Section 35-89-26 to the NW corner of the SW $\frac{1}{4}$ of Section 35-89-26; thence west along the

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north line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34-89-26 to the NW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34-89-26; thence south along the west line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34-89-26 to the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34-89-26; thence east along the south line of the SE $\frac{1}{4}$ of Section 34-89-26 to the NW corner of the NW $\frac{1}{4}$ of Section 4-88-26; thence south along the west line of the NW $\frac{1}{4}$ of Section 4-88-26 to the SW corner of the NW $\frac{1}{4}$ of Section 4-88-26; thence east along the south line of the NW $\frac{1}{4}$ of Section 4-88-26 to the SE corner of the NW $\frac{1}{4}$ of Section 4-88-26; thence east along the south line of the NE $\frac{1}{4}$ of Section 4-88-26 to the SE corner of the NE $\frac{1}{4}$ of Section 4-88-26; thence east along the south line of the NW $\frac{1}{4}$ of Section 3-88-26 to the SE corner of the NW $\frac{1}{4}$ of Section 3-88-26; thence east along the south line of the NE $\frac{1}{4}$ of Section 3-88-26 to a point directly south of the point of beginning; thence north to the point of beginning.

Area 3

Beginning at the center of Section 2-88-26; thence west on the centerline

to the west line of Section 2-88-26; thence south along the west line of Section 2-88-26 to the SW corner of Section 2-88-26; thence east to the SE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2-88-26; thence south along the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-88-26 to the SW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-88-26; thence east along the south line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-88-26 to the SE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-88-26; thence north to the center of Section 2-88-26 (the point of beginning).

Area 4

Beginning at the SE corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6-88-25; thence south along the east line of Section 6-88-25 to the SE corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6-88-25; thence east to the SE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5-88-25; thence north to the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5-88-25; thence west to the SE corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6-88-25 (the point of beginning).

Area 5

Beginning at a point 319.13 feet north of the NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11-88-26; thence west 383 feet to a point 319.13 feet north of the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11-88-26; thence south to a point 165 feet south and 383 feet west of the NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11-88-26; thence west to a point on the west line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11-88-26; thence south to the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11-88-26; thence east to the SE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11-88-26; thence north along the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11-88-26 to the point of beginning.

Area 6

Beginning at a point on the westerly right-of-way of Iowa Highway 17 said point 140 feet north of the south line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25; thence west along a line parallel with and 140 feet north of the

south line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25 to the west line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25; thence south along the west line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25 to the south line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25; thence west along the south line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18-88-25 to the SW corner of the NW $\frac{1}{4}$ of Section 18-88-25; thence south along the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18-88-25 to the SW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18-88-25; thence east to the center line of the Boone River; thence northeasterly along the centerline of the Boone River to the west right-of-way line of Iowa Highway 17; thence northwesterly along the westerly right-of-way line of Highway 17 to the point of beginning.

Area 7

Beginning at the NE corner of the NW $\frac{1}{4}$ of Section 19-88-25; thence north along the east line of the SW $\frac{1}{4}$ of Section 18-88-25 to a point 100 feet north of the south line of Section 18-88-25; thence west along a line

parallel with and 100 feet north of the south line of the SE ¼ SW ¼ of Section 18-88-25 a distance of 675 feet; thence south to the south line of the SE ¼ SW ¼ of Section 18-88-25; thence west along the south line of the SE ¼ SW ¼ of Section 18-88-25 to the SW corner of the SE ¼ SW ¼ of Section 18-88-25; thence south along the west line of the NE ¼ NW ¼ of Section 19-88-25 to the SW corner of the NE ¼ NW ¼ of Section 19-88-25; thence east to the SE corner of the NE ¼ NW ¼ of Section 19-88-25; thence north along the east line of the NE ¼ NW ¼ of Section 19-88-25 to the point of beginning.

(Ord. 2003-1598 – May 03 Supp.)

90.07 WATER CONNECTION REQUIRED. The owners of any houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting any street, alley or right-of-way are prohibited from drilling any type of well for the provision of supplying potable or non-potable water to the property when a public water supply is located within three hundred (300) feet. Any well that exists as of September 17, 2007, is exempt.

(Ord. 2007-1672- Oct. 07 Supp.)

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CHAPTER 91

WATER CONSERVATION EMERGENCY

91.01 Declaration of Emergency
91.02 Prohibited and Restricted Uses

**91.03 Rate for Water Used in Violation of
Conservation Emergency**

91.01 DECLARATION OF EMERGENCY. The Council may declare a water conservation emergency whenever water supply or water system facilities are found to be inadequate or whenever there appears to be a substantial and imminent danger of such inadequacy. A resolution declaring such emergency shall be published for one publication in a newspaper of general circulation in the City and upon publication shall require compliance with this chapter by all persons using water from the water system until, by resolution of the Council, the emergency shall be declared to be terminated.

91.02 PROHIBITED AND RESTRICTED USES. The following uses of potable processed water from the municipal water system during a water conservation emergency are prohibited:

1. The use of water-consuming air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment.
2. Watering or irrigation of lawns and all other outside vegetation except that direct applications of water not exceeding 1 inch per week are permitted between the hours of 10:00 a.m. and 6:00 p.m. on flower and vegetable gardens, trees and shrubs less than 4 years old, and areas which were newly seeded or sodded prior to issuance of the emergency resolution.
3. The washing of cars, trucks, trailers, and other mobile vehicles or equipment except at commercial establishments which provide that service.
4. The cleaning of outdoor surfaces including buildings, sidewalks, driveways, and porches.
5. The nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces.
6. The filling of private swimming pools, wading pools, reflecting pools, ornamental fountains, or any other structure making similar use of water.

7. Permitting the loss of water through defective plumbing or fixtures, except where the customer can provide proof of prompt repair of the defect.

8. Use by a business or industry of an amount of water exceeding the amount used during the corresponding month of the preceding year except where the business or industry is declared by resolution of the Council to be necessary for the public health, safety, and welfare. When there is no corresponding period of use or where review is directed by the Council, the City Manager shall hold a public hearing to determine the allowable use.

Nothing in this section shall prohibit the use of water which has been reclaimed or recycled after an essential primary use.

91.03 RATE FOR WATER USED IN VIOLATION OF CONSERVATION EMERGENCY.

Any person found to be using City water in violation of this chapter shall be charged twice the rate which would otherwise apply. This rate shall apply to all metered service through the service connection used in the violation during any month that a water conservation emergency is declared by the Council to exist and during which the violation has occurred or continued.

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CHAPTER 92

WATER MAIN EXTENSION POLICY

(REPEALED BY ORDINANCE NO. 2008-1683-SEP. 08 SUPP.)

TITLE III - PUBLIC SERVICES
SANITARY SEWERS

CHAPTER 95
GENERAL PROVISIONS

95.01 Purpose	95.06 Service Outside the City
95.02 Definitions	95.07 Right of Entry
95.03 Superintendent	95.08 Owner's Liability Limited
95.04 Prohibited Acts	95.09 Use of Easements
95.05 Sewer Connection Required	95.10 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.

2. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
(IAC, 567-69.3[1])

3. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.
(IAC, 567-69.3[1])

4. "Combined Sewer" means a sewer receiving both surface run-off and sewage.

5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

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

10. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

11. "Private Sewer System" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.

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

13. "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

14. "Sanitary Sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.

15. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

16. "Semi-public Sewage Disposal System" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act.

17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

18. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

19. "Sewage Works" or "Sewage System" means all facilities for collecting, pumping, treating, and disposing of sewage.

20. "Sewer" means a pipe or conduit for carrying sewage.

21. "Sewer Rental" means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

22. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

23. "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

24. "Superintendent" means the superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

25. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

95.03 SUPERINTENDENT. The superintendent of the City sewage system shall be appointed by the City Manager and exercise the following powers and duties:
(Code of Iowa, Sec. 372.13[4])

1. Operation and maintenance. Operate and maintain the city sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewers chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.
(Code of Iowa, Sec. 716.1)
2. Downspouts. Connect a roof downspout, exterior foundation drain, areaway drain, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
3. Manholes. Open or enter any manhole of the sewer system, except by authority of the superintendent.
4. Objectionable Wastes. Place or deposit in any unsanitary manner on public, or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the city, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewers chapters, such compliance to be completed within ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within three hundred (300) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for service will begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364-12 [3f])

(IAC, 567-69.3[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(Code of Iowa, Sec. 364.4 [2 & 3])

95.07 RIGHT OF ENTRY. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewers chapters. The superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

95.08 OWNER'S LIABILITY LIMITED. While performing the necessary work on private property, the superintendent or duly

authorized employees of the City shall observe all safety rules applicable to the premises established by the owner or occupant and the owner or occupant shall be held harmless for injury or death to City employees and the City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant and growing out of any gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

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

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

1. Notice of violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

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