

CHAPTER 95: SANITARY SEWER SYSTEM

95.01 Definitions	95.06 Appeals
95.02 Sewer Administration	95.07 Damaging Sewer System
95.03 Powers and Authority for Inspection	95.08 Treatment Required
95.04 Notice to Correct	95.09 Compulsory Connection to Public Sewer
95.05 Other Remedies	95.10 Conformance

95.01 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.
2. “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.
3. “Building sewer” means that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building lateral.
4. “Combined sewer” means a public sewer to be used as both a sanitary sewer and a storm sewer.
5. “Commercial user” means any user of the wastewater treatment facilities where business or commercial trade is conducted and not classified as an industrial user.
6. “Effluent criteria” are defined in any applicable NPDES permit.
7. “Garbage” means solid animal and vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
8. “Industrial cost recovery” means the amount to be paid annually by industrial users who contribute industrial wastes to the wastewater treatment facilities constructed under EPA Project No. 190711.
9. “Industrial user” means any non-governmental, non-residential user of a publicly owned treatment works which discharges process wastes more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes or any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or to interfere with any sewage treatment process or which constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
10. “Industrial waste” or “process waste” means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial

or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary wastes.

11. “Milligrams per liter” means a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water.

12. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

13. “NPDES permit” means any permit or equivalent document or requirements issued by Federal or State governmental agencies to regulate the discharge of pollutants.

14. “Operation and Maintenance” means all annual expenditures, including replacement costs, for materials, labor, utilities and other items which are necessary for managing and maintaining the wastewater system to achieve the design capacity and performance.

15. “Person” means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, political subdivision, governmental agency, trust estate, or other legal entity or their legal representatives, agents or assigns.

16. “pH” means the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in *Standard Methods*.

17. “Pretreatment” means the treatment of wastewater from sources before introduction into the public sewer.

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

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

20. “Replacement” means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the wastewater treatment plant to maintain the capacity and performance for which such plant was designed and constructed.

21. “Residential user” means any user of the wastewater treatment facilities where permanent residency is established and only sanitary wastes are discharged.

22. “SS” denotes “suspended solids” and means solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in *Standard Methods*.

23. “Sampling manhole” means a structure located on a building lateral for the purpose of providing access to sample or measure wastewater discharges.

24. “Sanitary sewer” means a public sewer that conveys wastewater, and into which storm, surface, ground and unpolluted waters are not intentionally admitted.
25. “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.
26. “Sewage” is used interchangeably with “wastewater.”
27. “Sewer” means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
28. “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 more than five (5) times the average 24-hour concentration of flows during normal operation and may adversely affect the collection system or performance of the wastewater treatment facilities.
29. “Standard methods” means the examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater* published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.
30. “Storm sewer” means a public sewer which carries storm, surface and groundwater drainage but excludes wastewater other than unpolluted water.
31. “TKN” denotes “Total Kjeldahl Nitrogen”, the concentration of ammonia and organic nitrogen expressed in milligrams per liter.
32. “Unpolluted water” means water of quality equal to or better than the applicable effluent criteria in effect under the State or Federal regulations or water that would not cause violation of receiving water quality standards under the applicable act and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
33. “Useful life” means the estimated period during which the wastewater treatment facilities will be operated and shall be 30 years from the date of start-up of any newly constructed wastewater treatment facilities.
34. “Wastewater” means the spent water of a community. It may be liquid or a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
35. “Wastewater service charge” means the charge levied on all users of the wastewater treatment facilities.
36. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.
37. “Water pollution control facilities” or “wastewater system” means the publicly owned structures, equipment, and processes required to collect, convey and treat wastewater.

38. “Water pollution control system” means a publicly owned arrangement of devices and structures for collecting, transporting and treating wastewater. Sometimes used as synonymous with “waste treatment plant” or “pollution control plant.”

39. “Water quality standards” are defined in the Iowa Department Rules.

95.02 SEWER ADMINISTRATION.

1. Water Pollution Control Director. The Water Pollution Control Director shall be a designated Council member, appointed by the Mayor, who shall hold office until his or her successor is appointed. The Water Pollution Control Director shall have complete charge of the operation of the Water Pollution Control System under the general supervision of the Mayor and subject to such rules and regulations as the City Council may prescribe.

2. Accounts and Reports. The Water Pollution Control Director shall ensure accurate and complete records of the transactions of the Water Pollution Control System, including all receipts and disbursements. The Water Pollution Control Director shall cooperate with the City Clerk in the preparation of an accurate list of all general and special rentals to be collected as hereinafter provided.

3. Separate Sewer Fund. All monies received by the City from any source on account of the water pollution control facilities shall be kept in a separate fund and shall be paid out only upon legal warrants of the City.

4. Maintenance. The Superintendent of Public Works shall have charge of sewer maintenance and inspect and clean all sewers, and shall discharge all duties that may be required by the Water Pollution Control Director or City Council. The Superintendent of Public Works shall employ and have direct charge of all employees of the Water Pollution Control System.

95.03 POWERS AND AUTHORITY FOR INSPECTION.

1. Right of Entry. The Water Pollution Control Director 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 this Code of Ordinances. The Water Pollution Control Director shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers, natural outlets or wastewater treatment facilities.

2. Duty of Care. While performing the necessary work on private properties referred to in subsection 1 above, the Water Pollution Control Director or other duly authorized employees of the City shall observe all safety rules applicable to the premises.

3. Easement Access. The Water Pollution Control Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater treatment facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full

accordance with the terms of the duly negotiated easement pertaining to the private property involved.

95.04 NOTICE TO CORRECT. Any person found to be violating any provisions of these sanitary sewer chapters shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such notice may be given by certified mail or by personal service. If given by certified mail, the notice shall be deemed given when mailed. The offender shall, within the period of time stated in such notice, permanently cease all violations specified therein.

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

1. Order necessary measures to correct and abate such violation.
2. Order the service to the premises involved discontinued and authorize the disconnection of any tapping or connection made to the wastewater system of the City. In the event a violation creates an immediate hazard to the wastewater treatment facilities or to the operation thereof, or to the health and safety of any person, the Water Pollution Control Director is authorized and directed to perform all necessary acts, without prior notice or hearing, to correct and abate such violations and may enter on private property to do so.
3. Any damages to public or private property and damages, whether direct or indirect due to the loss of production, shall be borne by the person whose discharge was alleged to have created an immediate hazard, and subsequent corrective action.

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

95.06 APPEALS. If the findings, order or decision of the Water Pollution Control Director made in pursuance of the provisions of these sanitary sewer chapters are not acceptable to any person, such person shall have the right to appeal to the Council and thereafter to the District Court within thirty (30) days after the Council decision, and the Iowa Rules of Civil Procedure shall thereafter apply to all such appeals.

95.07 DAMAGING SEWER SYSTEM. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

95.08 TREATMENT REQUIRED. It is unlawful to discharge to any natural outlet within the City, or in any area under its jurisdiction, any wastewater, except where suitable treatment has been provided in accordance with provisions of these sanitary sewer chapters.

95.09 COMPULSORY CONNECTION TO PUBLIC SEWER. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these sanitary sewer chapters. Such compliance to be completed within one (1) year after date of official notice from the City to do so, unless otherwise provided in a development agreement, annexation request, annexation agreement, or resolution provided by the City Council, provided that said public sanitary sewer is located adjacent to 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. (Ord. 0718, 2/4/08). Property owners may request an exemption from the mandatory connection requirement as established by Resolution No. 0410-1, approved by the Robins City Council on April 5th, 2010, by submitting their request in writing to the City for review and approval of an exemption resolution approved by the City Council. If granted, the exemption resolution shall be recorded with the property at the Linn County Recorders office by the City Clerk. (ORDINANCE 1010, 5/17/2010)

95.10 CONFORMANCE. In addition to the requirements established in these sanitary sewer chapters, all persons shall comply with all federal, state and county laws, rules and regulations.