

Title 13  
PHYSICAL ENVIRONMENT

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Chapter 13.04  
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13.04.010 Council Controls. The waterworks system shall be under control of the Council.

13.04.020 City Clerk's Duties. The clerk shall have control of the clerical department of the waterworks system, and have charge of the collection of all water bills and all other bills due the waterworks system and receive all money therefore. He shall keep a correct book account, showing all money received and expended by the waterworks department and for what purpose, and perform such other duties in the management of the waterworks system as may be required or directed by the waterworks committee or the Council. (Ord. 8-73 §6, 1973; Ord. 40 §2, 1929)

13.04.030 Waterworks Fund. There shall be an account kept by the clerk, known as the waterworks fund. All money received from the sale of waterworks bonds, from the collection of water bills, from taxation for waterworks purposes, from the sale of any property or material connected with the waterworks, from any appropriation made by the Council for the purpose of construction and extension of waterworks or from any course whatever connected with the management and operation of the waterworks system shall be placed in the waterworks fund, and all salaries and disbursements connected with the management and operation of the waterworks system, shall be paid out of this fund. (Ord. 873(part), 1973; Ord. 40 §3, 1929)

13.04.050 Enforcement. The Public Works Director shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Public Works Director may make temporary rules for the protection of the system until due consideration by the City Council may be had. (Code of Iowa, Sec. 372.13(4))

13.04.060 Adoption of State Plumbing Code. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk for public inspection.

13.04.070 License Required. All installation of water service pipes and connections to the municipal water system shall be made by a plumber licensed by this City. The Building Inspector

shall have the power to suspend the license of any plumber for violation of any of the provisions of this Ordinance. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Building Inspector shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which the plumber will be granted a hearing. At this City Council meeting, the Building Inspector shall make a written report to the City Council stating the Building Inspector's reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

13.04.080 Mandatory Connections. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water supply if it is reasonably available.

13.04.090 Permit. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Public Works Director. The application for the permit shall be filed with the Public Works Director on blanks furnished by the Public Works Director. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses shall be allowed except by written permission of the Public Works Director. The Public Works Director shall issue the permit, bearing the Public Works Director's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must begin within six (6) months after it is issued. The Public Works Director may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-3-14 of this Ordinance. (Code of Iowa, Sec. 372.13(4))

13.04.100 Connection Fee. Before any permit is issued the person who makes the application shall pay three dollars (\$3.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work. (See footnote at end of chapter)

13.04.110 Water Supply Control. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Public Works Director. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one (1) service pipe is installed to supply more than one (1) customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

13.04.120 Making the Connection. Any connection with the municipal water system must be made under the direct supervision of the Public Works Director or the Public Works Director authorized assistant. All taps in the water main must be at least twelve (12) inches apart and on the side and near the top and not in any case within eighteen (18) inches of the hub. No more

than one house or premises shall be supplied from one tap, except by written permission of a majority of the members of the Council and not then, in any case, unless provision is made that each house or premises can be shut off independently of every other house or premises. (Ord. 40 §9, 1929) (Code of Iowa, Sec. 372.13(4))

13.04.130 Excavations. Excavations to do work under this Ordinance shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three (3) months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Superintendent.

13.04.140 Inspection and Approval. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Superintendent's approval. Every person who uses or intends to use the municipal water system shall permit the Superintendent or the Superintendent's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority. (Code of Iowa, Sec. 372.13(4))

13.04.150 Completion by the City. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12(3)(h))

13.04.170 Consumers Contract. The rules, regulations and water rates, herein or hereafter adopted, shall be a part of the contract with the water consumer and every person, firm or corporation shall, by taking water, whether signing an application and contract or not, express their assent to be bound thereby. (Ord. 40 §5, 1929)

13.04.180 Water Supply. The municipality does not guarantee a constant supply of water to any consumer and shall not be liable for any damages for any failure to supply the same if for any cause the supply of water shall be shut off to make repairs, connections, or extensions or for any

other purpose that may be found necessary. The right is reserved to cut off the supply of water at any time. (Ord. 40 §6, 1929)

13.04.190 Service Pipes. The municipality shall not be liable for any claim or damage on account of the breaking or injury to any service pipe, corporation cock, curb stopcock, stop and waste cock, or other equipment. (Ord. 40 §8, 1929)

13.04.195 Types of Pipe Materials. The city allows the use of two types of material to be used for all water service pipes connected to the Denver Water Supply. The City of Denver will allow the use of only Type K Copper of SDR 9 Polyethylene, 200 P.S.I. and have the equivalent diameter size as copper with tracer wire; also known in the water industry as Copper Tube Size (C.T.S.). Compression Couplings must be used with SDR 9 tubing. (Ord. 1-2008)

13.04.200 Repairs. All water consumers: shall keep their service pipes, meters, equipment and fixtures in good repair at their own expense and prevent all unnecessary waste of water. In case any curb stopcock box or any equipment connected therewith becomes covered up so it cannot readily be seen, or the top of any curb stopcock box is lost or broken, the superintendent shall order the owner or agent to repair and replace the same in the proper condition, and if the same is not repaired and placed in proper condition, in the time fixed by the order, the superintendent shall repair and place the same in proper condition, and charge the expense to the property supplied by the service and report the charge to the clerk. In case the bill is not paid within ten (10) days from presentation, the water may be shut off on order of the clerk. (Ord. 40 § 10, 1929)

13.04.210 Violation of Rules. Whenever any rule or regulation is violated or bill for water or for repairs or supplies is not paid, the water may be shut off, and it may be shut off from the property where the violation occurred even though two or more parties receive a supply of water from the service. The water shall not be turned on again, except by the written order of the clerk, and the payment of all bills for water, repairs or supplies due on that service together with a charge of one dollar (\$1.00) for shutting off and turning the water on or on such other terms as the Council shall determine. In case of violation of any rule or regulation, the Council may declare forfeited any payment made for water by the person committing the violation. (Ord. 40 §11, 1929)

13.04.220 Entrance to Premises. Every person, firm or corporation taking water shall permit the superintendent of water and sewer, the clerk or such other person as may be directed, in writing, by the Council, at all hours of the day between seven a.m. (7:00 a.m.) and six p.m., (6:00 p.m.) to have free access to any premises or buildings, to read meters, to examine the pipes and fixtures, the location thereof and the manner in which the water is used and shall at all times, frankly, and without concealment, answer all questions put to them, relative to meters, pipes, fixtures and the consumption of water. (Ord. 40 §14, 1929)

13.04.230 Fire. In case of fire alarm, all water consumers shall promptly close all the openings from which they get their water, and shall keep them closed until the fire is extinguished. (Ord. 40 §15, 1929)

13.04.240 Rules for Water Services. Water services will be installed in accordance with standard specifications approved by the Iowa Department of Natural Resources and only under the direct supervision of the Public Works Director.

13.04.250 Meters Furnished by City. All water meters and their connections, as well as all other fixtures or property hereinafter necessary to measure water consumed, shall be furnished by the City, at no expense to the consumer or property owner. (Ord. 3-67 §1, 1967)

13.04.260 Meters Property of City. All water meters, their connections and other material furnished pursuant to Section 6-3-25 shall be and remain the sole property of the City, and shall be severable and divisible from any real estate. In the event of sale of any premises, the equipment will remain the sole property of the City. (Ord. 3-67 §2, 1967)

13.04.265 Second Water Meter for Irrigation and Exterior Faucets. Residential and Commercial Water Customers will be allowed to install a Second Water Meter for Irrigation Purposes and/or exterior faucets. The following criteria shall be followed in order to obtain a second water meter for irrigation purposes and/or exterior faucets.

- A. Obtain Plumbing Permit from Bremer County Building & Zoning to install second water meter.
- B. Only lawn irrigation or exterior faucets can be connected directly to this second water meter.
- C. No sewer charges will be collected for the water metered by the second water meter.
- D. Meter must be installed so the main water meter does not have to be subtracted from the second water meter.
- E. Gate valves shall be installed on both sides of the second water meter.
- F. Customer must agree to an Annual Inspection of the second water meter by city employees.

(Ord. 6-2012, §1)

Fees associated with a Second Water Meter:

- A. A One-Time Connection Fee of \$250. The \$250 Connection Fee includes a 5/8" water meter. Any customer requiring a water meter larger than the 5/8" size will be charged for the additional cost of the water meter. The water meter remains the property of the City of Denver.
- B. Customers will be billed the minimum monthly service charge all twelve months of the year and usage based upon the water meter reading.
- C. Customer Type for the Second Water Meter will WM(R) for a Residential Second Water Meter and WM(C) for Commercial Second Water Meter.

(Ord. 6-2012, §2)

Water Rates for Customer Type WM(R), WM(C)

\$5.50/ Month Basic Service Charge No Usage \$1.65/1,000 Gallons (Ord. 6-2012, §3)

13.04.270 Installation--Location. All water meters hereinafter installed shall be placed so as to be accessible at all times and so situated that readings may be readily taken within the premises or on the outside of the premises. The City of Denver and its authorized workmen and agents may enter the building or premises and remove, repair, install and maintain the water meters during reasonable business hours. For all new water meter installations, a full-port valve shall be installed on the supply and discharge side of each water meter.

(Ord. 1-98, 3-67 §3, 1967)

13.04.280 Meters Required. All water furnished any consumer shall pass through a meter and be paid for at meter rates. (Ord. 40 § 17, 1929)

13.04.290 Kind of Meter. All meters shall be of the size, kind and make approved by the Council and must be placed on all service pipes under the direction of the Public Works Director. The municipality may furnish and place the meter in position at cost and the expense thereof shall be paid within ten (10) days after setting the same. All consumers using meters shall pay the cost of the meters and of placing the same unless the municipality, by special arrangement, rents the meter to the consumer. (Ord. 40 §18, 1929)

13.04.300 Protect from Freezing. Whenever any consumer allows the meter to freeze, by his failure to protect the same from the frost, he will be charged for repairing same, and in case of failure to pay for the repairs within ten (10) days from presentation of the bill, the clerk shall order the water shut off from the property. (Ord. 40 §19, 1929)

13.04.310 Repair of Meters. The Public Works Director shall keep all water meters in repair and in working order. The consumer shall be charged for the repairs. The cost of any repairs, and the removal and replacing of any meter in need of repairs, shall be included in the next bill for water and in case the bill for repairs is not paid with that bill for water, the water shall be shut off from the consumer. All meters shall be tested for accuracy of measurement during the month of July of each year and if necessary the meters shall be cleaned and any meter that shows a substantial variation shall be condemned or repaired or a new meter placed as the Public Works Director decides, all at the expense of the property owner. (Ord. 40 §20, 1929)

13.04.320 Leakage of Water. No reduction will be made on account of leakage after the water has passed through the meter. (Ord. 40 §21, 1929)

13.04.330 Meters not Registering. If the meter fails to register the quantity of water, the quantity shall be determined and the charge made, based upon the average quantity registered during the preceding period of time, prior to the date of failure to register as the clerk decides. (Ord. 40 §22, 1929)

13.04.340 Meters--When Read. Water meters shall be read each month of the year, except in the case of such consumers as the Council shall order otherwise. (Ord. 40 §23, 1929)

13.04.350 Extra Services. When water is supplied by two or more meters to one consumer, or to two or more premises owned by one person, firm or corporation, the readings will not be combined, but a bill will be rendered for the gross amount of water used by each meter, according to meter rates in effect, except in such cases as otherwise provided by written permission of a majority of the Council. (Ord. 40 §25, 1929)

13.04.360 Owner Pays Bills. The owner of any property shall pay all bills for water furnished to the owner or occupant and the municipality shall look to the owner only for the payment of all bills for water, repairs or supplies. It is unlawful for any officer or employee of the waterworks department to extend credit contrary to the provisions of this chapter. (Ord. 40 §26, 1929)

13.04.370 Rates.

Water Rates for Customer Type WA-RES, WA-COM, WA Club  
2<sup>nd</sup> Water Meter for Irrigation Purposes

\$10.00/ Month Basic Service Charge No Usage \$2.75/1,000 Gallons

Water Rates for Customer Type Water-Rural (Outside of Corporate Limits)

\$28.00/ Month Basic Service Charge No Usage \$5.00/1,000 Gallons

Water Rates for Senior Housing

\$40.00/Month Basic Service Charge No Usage \$2.75/1,000 Gallons

Water Rates for Customer Type WA Renter

\$10.00/ Month Basic Service Charge No Usage

Water Rates for Customer Type Water Flat Special (School Bus Barn)

\$12.00/ Month Basic Service Charge and Water

Water Rates for School (Athletic Complex)

\$10.00/Month Basic Service Charge \$2.75/1,000 Gallons

Water Rates for Water Half Rate (Duplex Homes with 1 Water Meter)

\$10.00/Month Basic Service Charge 1.38/1,000 Gallons

Water Rates for Bulk Water Customers

\$23.00/1,000 Gallons

(Ord. 4-2018; Ord. 1-2015; Ord. 2-2012; Ord. 3-93 §1, 1993; Ord. 1-91 §1, 1991; Ord. 4-82 §1, 1982; Ord. 5-78 §1, 1978)

13.04.380 Rates During Water Shortage. Control of Water Supply. During conditions when the supply of water to the water system becomes depleted, such as drought or mechanical failure, water may need to be rationed. The City Council may declare, by resolution, a public emergency water shortage. The following shall be imposed for water consumption until the water shortage emergency is ended.

1. Base Allocation. The base allocation of water for each consumer shall be equal to their estimated average consumption per billing period as determined by City Council.

2. Appeal and Adjustment of the Base Allocation. Any consumer may file an appeal with the water superintendent to adjust the base allocation amount. An adjustment may be granted using the following criteria:

a. For single-family residential, the base allocation may be increased to their actual average consumption for the previous winter, November through April.

b. For commercial, industrial, institutional and multifamily residential use, the base allocation may be increased based on factors appropriate to the individual consumer; such as, the average consumption during the previous winter, November through April, production, service, and occupancy data provided by the consumer.



3. Premium Rate for Over-Consumption. In addition to the water rates duly enacted by the City Council, all consumers shall pay a premium rate of twenty dollars per one thousand gallons (\$20.00 / 1,000) consumed in excess of the base allocation.

4. Adjustment of Premium Rate Charges. Any consumer may file for adjustment of the premium rate charges. The water superintendent may grant an adjustment in accordance with the following criteria:

- a. The cause of the high consumption shall be mechanical in nature, such as broken or leaky pipes or fixtures, rather than human carelessness.
- b. The consumer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a plumber's invoice, statement or a materials receipt.
- c. The adjustment shall be granted only for the billing period immediately prior to the correction of the failure.
- d. There shall be a minimum adjusted rate of ten dollars (\$10.00) for accounts granted an adjustment of the premium rate charges.

5. Prohibited and restricted water uses. The following are prohibited and restricted water use during a water shortage emergency:

- a. No outdoor watering or irrigation of lawns in any way whatsoever, except new seeding and sod. Refer to subsection (5) (c).
- b. No outdoor watering of any kind between the hours of eight a.m. (8:00 a.m.) to eight p.m. (8:00 p.m.) daily.
- c. Water or irrigation of flowers and vegetable gardens, trees and shrub trees less than four (4) years old, and new seeding or sod is permitted once (1) per week with an application not to exceed one (1) inch.
- d. No car washing is allowed except at commercial establishments, which provide that service.
- e. No water shall be used to fill private swimming pools, children's wading pools or any other outdoor pool or pond of any kind or description whatsoever.

However, water reclaimed or recycled after some other primary use and water derived from sources other than the municipal water supply are not subject to this section.

6. Reduction in flow of water to any customer. The water Public Works Director is authorized, after giving notice and opportunity for hearing, to reduce the flow of water to any consumer determined to be using water in any manner not in accordance with this section.

7. Penalties. Any consumer who in making application to the Public Works Director for adjustment of the base allocation or premium rate charges, intentionally provides false or incorrect statements or information shall automatically have their requests denied and shall additionally be liable to a penalty of twenty-five dollars (\$25.00) for the first offense and a penalty of one hundred dollars (\$100.00) for the next and each succeeding or additional violation. Failure to pay the penalty within five (5) working days after assessment shall mean discontinuation of water service until the fine and a five (5) dollar reconnect charges are paid in full. (Ord. 1-89 §1, 1989)

13.04.400 Turn-on Prohibited--Exception. It is unlawful to turn the water into any house or private service pipe, except upon the order of the clerk, and plumbers are strictly prohibited from turning the water into any service pipe, except upon written order of the clerk but this rule shall not be construed to prevent any plumber turning on the water to test pipes and for that purpose only. (Ord. 40 §20, 1929)

13.04.410 Excavation Restrictions. It is unlawful to make any excavation in any street or highway within six (6) feet of any laid water pipe while the ground is frozen, or dig up so as to expose to the frost any water pipe or sewer, except by special permission in writing of the City Council or by a majority of the waterworks committee. (Ord. 40 §30, 1929)

## Chapter 13.08

## UTILITIES - SANITARY SYSTEM

## Sections:

- 13.08.010 Definitions
- 13.08.020 Use of Public Sewers Required
- 13.08.030 Private Sewage Disposal
- 13.08.040 Control
- 13.08.050 Special Fee
- 13.08.060 Collection of Construction Costs
- 13.08.070 Sewer District Created
- 13.08.080 Rent Required
- 13.08.090 Sewer Rental Fee
- 13.08.100 Rental Fee a Lien
- 13.08.110 Building Sewers and Connections
- 13.08.120 Use of Public Sewers
- 13.08.130 Protection from Damage
- 13.08.140 Powers and Authority to Inspectors
- 13.08.150 Penalties
- 13.08.190 Sewer Rental Fee

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

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter or parts per million.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall. (IAC 567-69.3(1))
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (IAC 567-69.3(1))
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has 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.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Public Works Director" shall mean the Director of Public Works of the City of Denver or the Director's authorized deputy, agent, or representative.
13. "Sanitary Sewer" shall mean a sewer, which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.
14. "Sewage" shall mean 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.
15. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
16. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
17. "Sewer" shall mean a pipe or conduit for carrying sewage.
18. "Slug" shall mean 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 of flows during normal operation.
19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
20. "Suspended Solids" shall mean 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.
21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

#### 13.08.020 Use of Public Sewers Required.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance. (Code of Iowa, Sec. 364.12(3)(1))
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-

of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer. (Code of Iowa, Sec. 364.12(3)(1)) (IAC 567-69.3(3))

13.08.030 Private Sewage Disposal.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section and Bremer County Regulations.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Building Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Building Inspector. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the City at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. The Building Inspector shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Building Inspector.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than thirty thousand (30,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-3(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Code of Iowa, Sec. 364.12(3)(f))
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Code of Iowa, Sec. 364.12(3)(f))

13.08.040 Control. The sewer system and the sewage disposal plant shall be under the control of the Council.

13.08.050 Special Fee. If the property described in the application has not been assessed, or is not subject to an assessment of a special tax for the payment of the cost of construction of the sewer to which connection is made, a connection fee shall be collected by the Clerk before a permit shall be issued. The connection fee shall be a sum equal to the special tax that would have been assessed against the property if a six (6) inch sewer had been constructed adjacent to the property. The amount of this fee shall be determined by the committee on sewers on an estimate of the cost of constructing the sewer. (Ord. 41 §3, 1929)

13.08.060 Collection of Construction Costs. The purpose of Sections 6-2-6 through 6-2-10 is to collect from all users of the City sewer system the cost in whole or in part of constructing and maintaining the main sewers and sewage treatment plant. (Ord. 4-64 §1, 1964)

13.08.070 Sewer District Created. One sewer district is hereby created which includes the entire City. (Ord. 4-64 §2, 1964)

13.08.080 Rent Required. Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the City sewer system shall pay rent to the City at the rate and in the manner provided in Section 6-2-9. (Ord. 4-64 §4, 1964)

13.08.100 Rental Fee a Lien. The amount of rent charged shall constitute a lien upon that property served by the sewer system and that amount shall be collected in the same manner as other taxes, if payment is not made when due. Sewage service to the property for which rent has not been paid may be suspended until that payment is made. (Ord. 4-64 §6, 1964)

13.08.110 Building Sewers and Connections.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Building Inspector.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Building Inspector.

Current Connection Fees

\$75.00 Sewer

\$75.00 Water

\$100.00 Electric

Before permission may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Denver and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Denver pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Denver and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of

unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Building Inspector, to meet all requirements of this Ordinance. The Building Inspector may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Building Inspector and removed or filled with sand, crushed rock or any other solid material approved by the Building Inspector, except as exempted by the Building Inspector.

6. The building sewer shall be constructed in accordance with City standard specifications as approved by the Iowa Department of Natural Resources and available from the City Engineer.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Public Works Director. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Public Works Director or the Public Works Director's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 10. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

11. Each and every part of the building sewer shall be inspected and approved by the Public Works Director before being concealed or back-filled. The applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or the Public Works Director's representative.

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

13. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

14. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

15. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

#### 13.08.120 Use of the Public Sewers.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
- b. Non-payment of bills.
- c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- c. Any waters or wastes having a pH lower than 5.5, or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and

fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. Any water or wastes having (1) a 5-day bio-chemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight, or suspended solids, or (3) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Public Works Director. Where necessary in the opinion of the Public Works Director, the owner shall provide at the owner's expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight; or (2) reduce the suspended solids to three hundred fifty (350) parts per million by weight; or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Public Works Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Public Works Director that such wastes can harm either the sewers, sewage treatment process, or equipment, 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 Public Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F) (65° C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degree Fahrenheit (32°) and one hundred fifty degrees Fahrenheit (150° F) (0° and 65°C respectively).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.



- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - h. Any waters or wastes having a pH in excess of 9.5.
  - i. Materials which exert or cause:
    - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
    - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
    - (3) Unusual oxygen demand BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - (4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.
  - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-2-12(4), and which in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:
- a. Reject the wastes,
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers.
  - c. Require control over the quantities and rates of discharge, and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-12(10) of this article.

If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Public Works Director, and subject to the requirements of all applicable codes, Ordinances, and laws.

- 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.
- 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the owner, at the owner's expense shall maintain them continuously in satisfactory and effective operation.
- 8. When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation,

sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composite of all outfalls where pH's are determined from periodic grab samples).

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

#### 13.08.130 Protection from Damage.

1. 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Code of Iowa, Sec. 716.1)

#### 13.08.140 Powers and Authority to Inspectors.

1. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Public Works Director or the Public Works Director's 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.

2. While performing the necessary work on private properties referred to in 6-2-14(1), the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-12(8).

3. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the

City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

13.08.150 Penalties.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-13 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. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

Note: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

13.08.190 Sewer Rental Fee. Each connection or hookup to the public sewer by each lot or real estate, building or premises, connected to the sewer system and uses the sewer utilities of the City or that in any way discharges sanitary sewage, industrial waste, water or other liquid or solid, either directly or indirectly, into the sewer system of the City. Sewer connections within the corporate limits of Denver shall pay according to the following Rate Schedule by Customer Type.

Sewer Rates for Customer Type S1(C), S1(R), S2(R), S6(C), S6(R), S7(R), S8(R), S9(C)  
\$30.00/ Month Basic Service Charge No Usage \$4.75/1,000 Gallons

Sewer Rates for Customer Type S5(R)  
\$85.00/ Month Basic Service Charge plus All Usage

Sewer Rates for Customer Type SO(C)  
\$60.00/ Month Basic Service Charge No Usage \$8.35/1,000 Gallons

Sewer Rates for Customer Type SS  
\$58.50/ Month Basic Service Charge plus All Usage  
(Ord. 3-2011; Ord. 1-2012)

Chapter 13.12

STORM WATER UTILITY

Sections:

13.12.010 Purpose

13.12.020 Definition

13.12.030 Storm Water System District Established

13.12.040 Rates

13.12.050 Payment of Bills

13.12.060 Nonpayment of Bill

13.12.010 Purpose. The purpose of this chapter is to establish a Storm Water Utility and to provide a means of funding the construction, operation and maintenance of storm water management facilities including, but not limited to, detention and retention basins, storm water sewers and related pipes, inlets, ditches and drains, street gutters and cleaning of related storm water infrastructure. The Council finds that the construction, operation and maintenance of the City's storm and surface water drainage system should be funded through charging users of property that may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

13.12.020 Definition. For use in this chapter, unless context specifically indicates otherwise, the following terms are defined:

1. "User" means any person owning, operating or otherwise responsible for property within the city which directly or indirectly discharges storm water or surface or subsurface waters to any portion of the storm water management system, including direct or indirect discharges to the city's storm water drainage system, or which is directly or indirectly to the city's storm water drainage system. The term "user" means any person responsible for the direct or indirect discharge of storm water or surface or subsurface waters to the city's storm water drainage system.
2. "Unit" shall mean each household, each place of commerce/education/government/religion, or each industry whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complexes. Each unit shall be charged individually. Where the complex is billed under one combined service account, the recipient of that bill shall be deemed the user and receive the total combined storm water drainage system district charge for that complex.
3. "Storm and Surface Water System" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, manholes, catch basins and inlets, including grates and covers thereof, detention and retention facilities, laboratory analysis and laboratory equipment, and any other publicly owned facilities for the collection, conveyance treatment and disposal of the storm and surface water system within the City.

13.12.30 Storm Water System District Established. Pursuant to the authority of Section 384.85(5) of the Code of Iowa, the entire City is hereby declared a Storm Water System District for the purpose of establishing, imposing, adjusting and providing for the collection rates for the operation and maintenance of storm water management facilities. The entire City, as increased from time to time by annexation, shall constitute a single Storm Water System District.

13.12.040 Rates. Each unit shall pay for the storm and surface water system service provided by the City. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on each residential, commercial and industrial customer within the City of Denver. There will be a Late Payment Penalty for bills that are unpaid when due and considered delinquent. A late payment penalty of one and one-half percent (1 ½%) of the amount due shall be added to each delinquent bill. A fee, as set forth in the fee

schedule for Returned Checks is established by the City Council of the City of Denver, shall be charged a Returned Check fee for all Returned Checks not honored by the bank the check is written on. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the City's system, the costs of bond repayment, regulation, administration, and services of the City. Agricultural use and vacant lots are exempt from the requirements of this chapter.

The rates for the foregoing functions shall be collected by imposing a monthly rate as follows:

Residential Unit \$3.00/Month

Commercial Unit \$3.00/Month

Industrial Unit \$3.00/Month

Religious Unit \$3.00/Month

Undeveloped \$0.00/Month

Storm Water Utility billing will begin upon water meter installation. The monthly rate for each fiscal year beyond 2017/2018 will be determined by resolution of the City Council prior to July 1<sup>st</sup> of each year. (Ord. 3-2017)

13.12.050 Payment of Bills. All Storm Water System District charges are due and payable under the same terms and conditions provided for payment of Electric, Water, Sanitary Sewer and Garbage Collection Services. A one and one-half percent (1 ½%) late fee will be assessed on all delinquent bills.

13.12.060 Nonpayment of Storm Water District Utility. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. The City of Denver will follow its current policy on collection for nonpayment of accounts and any such charges remaining unpaid and delinquent shall be served with a Small Claim Notice with the Bremer County Clerk of Court. (Ord. 5-2010)

### Chapter 13.13

### EROSION AND SEDIMENTATION CONTROL

#### Sections:

13.13.010 Title

13.13.020 Purpose

13.13.030 Definitions

13.13.040 Administration

13.13.050 Permit Fees

13.13.060 Erosion & Sedimentation Permit Application

13.13.070 Applicability

13.13.080 Management Practices

13.13.090 Municipal Infraction

13.13.100 Abatement Required

13.13.110 Stop Work Order

13.13.120 Enforcement and Penalties

## 13.13.130 Appeal

13.13.010 Title. A chapter adding City-wide standards for the quantity and quality of water that runs off land under construction within the City.

13.13.020 Purpose. The purpose of this chapter is to help protect the City's surface waters and quality of life by reducing the negative impacts of sediment, rainfall, melting snow and other water runoff.

13.13.030 Definition. For use in this chapter, unless the context specifically indicates otherwise, the following terms are defined:

1. "Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons or corporation, animals, or property. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then such portion shall be deemed to be a separate building.
2. "Building Permit" means a permit issued by the Zoning Administrator stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the Zoning Ordinance.
3. "Clearing" means the stripping, grubbing, scalping or removal of trees and stumps, and removing and disposing of all vegetation and debris within the site, and includes the conditions resulting therefrom.
4. "Construction" means the erection, alteration, repair, renovation, demolition or removal of any building or structures; and the clearing, stripping excavating, filling grading and regulation of sites in connection therewith.
5. "Erosion" means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.
6. "Erosion Control Site Plan" means a written description and detailed site plan on an 8.5" x 11" sheet of paper showing the location and dimensions of the Stabilized Construction Entrance, Silt Fences and Wattles and Filter Socks and location of Construction Dumpster if applicable and designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the City Administrator.
7. "Filling" means to deposit, place, push, pull, or transport soil, earth, sand, gravel, rock or any similar material by any act, and includes the conditions resulting therefrom.
8. "Floodplain" Area of land as described in the most current version of the FEMA National Flood Insurance Rate Map for the City of Denver, Iowa.
9. "Floodway" Area of land as described in the most current version of the FEMA National Flood Insurance Rate Map for the City of Denver, Iowa

10. "Hazardous" means any danger to public health, welfare and safety including exposure to risk of damage to property or liability for personal injury; or risk of harm to land, air, or water resulting in environmental degradation. Hazards can include but are not limited to flooding and ponding, compaction and settling.
11. "Land Disturbing Activity" (or "disturbance") means any manmade alteration of the land surface that may result in a change in the topography or existing vegetative or non-vegetative soil cover, or may expose soil and lead to an increase in soil erosion and movement of sediment. Land disturbing activity includes clearing and grubbing for future land development, excavating, filling, grading, building construction or demolition, and pit trench dewatering.
12. "Permittee" means any person to whom an erosion control permit is issued pursuant to this chapter or who is subject to inspection under this chapter.
13. "Runoff" means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.

13.13.040 Administration. The Erosion and Sediment Control Ordinance shall be administered by the City Administrator.

13.13.050 Permit Fees. Permit Fees are set by the Denver City Council by resolution.

13.13.060 Erosion and Sedimentation Permit Application. The City of Denver Erosion and Sediment Control Application will be available at the Denver City Hall during regular office hours and the most current SUDAS Statewide Urban Design and Specifications Design Manual will be available for inspection. All applications must be complete and submitted at least two business days prior to beginning construction. Erosion and Sedimentation Permit will expire 365 days from date of issuance.

13.13.070 Applicability. Construction site erosion plans and permit are required for any of the following:

1. Land disturbance of 4,000 square feet or more.
2. Land disturbance on a slope more than 6% if land disturbance is 1,000 square feet or greater.
3. Land disturbance involving excavation and/or filling more than 200 cubic yards of material.
4. Land disturbance of more than 100 lineal feet of road ditch, grass waterway, or other area where surface drainage flows in open channels.
5. New public or private roads or access drives longer than 150 feet.
6. Land disturbance less than 2,000 square feet that has a high risk of soil erosion or water pollution, as determined by local ordinance administration.
7. Land disturbance of any size within any of the following areas: A. Within the watershed of a water stream. B. Within the Floodplain or Floodway as determined by the most current version of the FEMA National Flood Insurance Rate Map for the City of Denver, Iowa.

13.13.080 Management Practices. Erosion and Stabilization control measures listed below are required to control sedimentation and erosion. The most current edition of the Statewide Urban Design and Specification Manual (SUDAS) will serve as the design specifications to be followed in accordance with the type of construction being done.

Minimum Standards

1. Stabilized Construction Entrance
2. Silt Fences or Wattles or Filter Socks are to be installed depending upon the type of application of the area being excavated. The use of at least one of these erosion and stabilization control devices is required on at least two sides of the area being excavated and may be required on all sides of the area being excavated. All erosion and stabilization devices need to be maintained at all times until construction is completed and a cover crop or turf has been established.
3. Any use of a Construction Dumpster is to be located on the lot where the construction is taking place and not on the city street.
4. Weed and Vegetation Control on Lot – The holder of the Erosion and Sedimentation Permit will be responsible for keeping all weeds and vegetation cut to a height not exceeding 24 inches until construction is completed and a cover crop or turf has been established.
5. The City may require additional controls and erosion control features to be implemented at its sole discretion before issuing the Erosion & Sedimentation Control Permit or renewing the Erosion & Sedimentation Control Permit.

13.13.090 Municipal Infraction. A violation by any person of any provision of this chapter, including the commencing, constructing, causing, or permitting the commencement of any land disturbing activity without a City issued Erosion & Sedimentation Control permit as required by this chapter, constitutes a municipal infraction.

13.13.100 Abatement Required. The City may order compliance with this chapter by written notice of violation to a person violating this chapter setting forth the time period of three days within which remediation or restoration must be completed and that if the person fails to complete such remediation or restoration within such time, the City shall cause such remediation or restoration work to be done and the person shall be liable for such costs.

13.13.110 Stop Work Order. The City may issue an order to stop all construction activities on any property where land disturbing activity is being conducted until conditions of noncompliance with this chapter are corrected. Construction activity, other than that which is required to correct a condition of noncompliance, prior to the correction of the conditions of noncompliance, shall constitute a violation of this chapter.

13.13.120 Enforcement and Penalties. The City will work with applicants for consistent enforcement of the City minimum standards. The City requires builders, developers and other site planners to submit erosion and sediment control site plans. If a site is not in compliance with its plan as determined by inspection, a stop work order may be issued by the City Administrator or designee and the City may issue a Municipal Infraction. A violation by any person of any provision of this chapter, including the commencing, constructing, causing or permitting the



commencement of any land-disturbing activity without submittals as described within this chapter and the City, will be subject to abatement, a stop work order, and/or cited for a Municipal Infraction.

13.13.130 Appeal. The determination by the City of a violation of this chapter may be appealed by an aggrieved party to the City Council, provided written notice of appeal is received by the City within fifteen (15) days from the date of the notice of violation. Upon hearing, the City Council may rescind, modify or affirm the notice of violation.

(Ord. 7-2018)

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