

CHAPTER 95

SANITARY SEWER SYSTEM

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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 degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building 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.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
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 that 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. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal

of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. "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.
14. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. "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.
16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
18. "Sewer" means a pipe or conduit for carrying sewage.
19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste that 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 24-hour concentration or flows during normal operation.
21. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. "Superintendent" means the Public Works Director of the City or any authorized deputy, agent, or representative.
23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall 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 Sewer 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 that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that 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 Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) 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 sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[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 Sewer 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 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.

95.09 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer 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 in violation of this Code of Ordinances. 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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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Plumber Required
96.04 Connection Requirements
96.05 Sewer Tap

96.06 Excavations
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96.08 Property Owner's Responsibility
96.09 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of five dollars (\$5.00) for a residential or commercial permit and fifteen dollars (\$15.00) for an industrial permit to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge paid to reimburse the City for costs borne by the City in making sewer service available to the property served in accordance with the following:

1. Individual Living Units - \$775.00
2. Multiple Living Units:
 - A. Three or fewer without laundry facilities - \$930.00
 - B. Three or fewer with laundry facilities - \$1,395.00
 - C. Four or more without laundry facilities - 100 gallons per day per living unit, divided by 250, multiplied by \$775.00
 - D. Four or more with laundry facilities - 150 gallons per day per living unit, divided by 250, multiplied by \$775.00.
3. Laundry Facilities Only - 50 gallons per day per accessible living unit, divided by 250, multiplied by \$775.00.
4. Commercial and Industrial Establishments. Commercial and industrial establishments shall pay a connection charge computed by dividing 250 gallons per day into the total estimated flow determined by the City Engineer and multiplied by \$775.00.
5. Payment. Owners of individual living units shall pay no less than \$387.50 at the time of the initial hookup, and the remaining balance shall be paid within one

calendar year. Owners of multiple living units shall pay a minimum of \$387.50 annually or 25 percent of the remaining balance, whichever is greater. All sums assessed for sewer connection charges shall be paid in full within a maximum of five (5) full calendar years, including accumulated interest at five percent per annum, payable annually on each principal payment date. Commercial and industrial users shall further be entitled to pay the connection fee in ten (10) equal yearly installments, the first payment commencing at the time of initial hookup and the balance on the anniversary of each calendar year thereafter, with interest payable at the rate of five percent per annum on all unpaid sums with the accrued interest payable on each principal payment date.

6. **Exempt Properties.** All property owners within the City who have paid or are making payments of special assessments against unimproved real property within the City for sewer installation shall be exempt from the application of the connection charge as set forth herein for such prior sewer installation.

7. **Subdivisions.** All subdivisions that are constructed pursuant to the subdivision ordinance for the City and in which the subdivider bears the cost of installing sewer mains or pipelines within such subdivision and makes one connection to the municipally owned sewer system then existing shall only be required to pay one connection charge in the sum of \$775.00; however, said subdivider shall be required, either pursuant to the City subdivision ordinance or by the terms of this chapter, to install sewer pipes or sewer pipelines of a sufficient dimension to meet projected sewer needs for the subdivision as well as existing and abutting sewer projects or future proposed projects. Payment of the one connection charge is so conditioned upon the subdivider's complying with the requirements of the City Engineer in this regard. In the event a subdivider installs or in the plans and specifications for the subdivision provides for more than one connection to presently existing municipal sewer lines, an additional \$775.00 shall be imposed for each connection so made, notwithstanding the previous terms and provisions set forth herein.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 CONNECTION REQUIREMENTS. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code*, the laws of the State, and other applicable rules and regulations of the City.

96.05 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.06 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.07 INSPECTION REQUIRED. No building sewer shall be covered, concealed or put into use until it has been tested, inspected, and accepted as prescribed in the *International Plumbing Code*.

96.08 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance 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.

96.09 ABATEMENT OF VIOLATIONS. Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers that 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 Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. 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 cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the 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 fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent of the average sewage flow of

the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) 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 Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. 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 Superintendent 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 Superintendent 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 restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, 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 (½) inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. 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.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. 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.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials that exert or cause:
- A. 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).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that 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.

97.05 RESTRICTED DISCHARGES – POWERS. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent 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 Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent 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 Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing

facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, 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 Superintendent. 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.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98
ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Private Water Systems
99.04 Payment of Bills
99.05 Lien for Nonpayment

99.06 Deposit
99.07 Special Agreements Permitted
99.08 Community Incentive Housing Development
Program Discount
99.09 Sewer Service Disconnection to Non-Users of City Water

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.
(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

1. Metered Customers.
 - A. First 2,000 gallons or lesser amount per month @ \$23.71 (minimum monthly bill).
 - B. All over 2,000 gallons per month @ \$4.25 per 1,000 gallons.

In no case shall the minimum month sewer service charge be less than \$23.71 per month, which is necessary to retire the indebtedness, perpetuate operation, and reserve necessary funds for maintaining the sanitary sewer facility. Provided, however, nonprofit organization that utilize less than 1,000 gallons of water per month shall not pay a sewer service charge for that month. Provided further, those persons age 60 years and older with an income level equal to or less than 150% of the Federal poverty guideline will receive a 50% rate reduction. Provided, however, such rate reduction shall only be available for those persons who apply for such reduction and upon action by the City Council approving same.

(Subsection 1 – Ord. 325 – Jun. 18 Supp.)

2. Non-Metered Customers. In the event it is impossible or not practicable for the installation of a water meter, the minimum monthly sewer service charge shall be computed on a usage of 4,000 gallons for customers with three or fewer persons within the household and computed on a usage of 8,000 gallons for customers with four or more persons within the household.

99.03 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges in accordance with the following:
(Code of Iowa, Sec. 384.84)

1. Residential Customers. Residential customers living in a residence of 1,000 square feet or less shall pay a minimum sewer service charge of \$32.63 per month. Residential customers living in a residence that is in excess of 1,000 square feet shall pay a minimum sewer service charge of \$49.14 per month. *(Ord. 325 – Jun. 18 Supp.)*

2. Commercial and Industrial Customers. Computations of the monthly sewer service charge for commercial and industrial users who are not customers of the municipal water system shall be determined on the basis of engineering estimates of projected flow.

99.04 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.05 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.06 DEPOSIT. There shall be required from every customer who does not have title to, or an ownership interest in, the real estate to be supplied sewer service a deposit in advance of service in an amount equal to three times the minimum monthly charge established in Section 99.02(1)(A). The deposit shall be applied to any bill for sewer service delinquent more than thirty (30) days. Upon discontinuation of sewer service, any balance of such deposit shall be returned to the customer without interest.

(Code of Iowa, Sec. 384.84)

99.07 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

99.08 COMMUNITY INCENTIVE HOUSING DEVELOPMENT PROGRAM DISCOUNT. The City Council may, by resolution, waive both the connection charge and the monthly sewer service charge for a period not exceeding twelve (12) months. However, this incentive shall be available only for residential (single-dwelling) housing, nontransferable and available where the new home construction commences within twenty-four (24) months following action by the City Council granting such incentive resolution. Further, if the dwelling is constructed by a non-occupying developer, all incentives except the connection charge shall be extended or assignable to the eventual owner-occupant. Further, the City Council may, by resolution, waive both the connection charge and the monthly sewer service charge to a non-occupying developer as well as the eventual owner-occupant under the terms of Section 96.02(7) and this section.

99.09 SEWER SERVICE DISCONNECTION TO NON-USERS OF CITY WATER. Sewer service to delinquent customers who are non-users of City water shall be discontinued in accordance with the following:

1. City Council Action. Those delinquent sewer billings for non-users of City water shall, from time to time, be brought to the attention of the City Council by the City Clerk. The City Council, by resolution, shall determine which such delinquencies

shall warrant a disconnection of sewer service to said customer and thereafter direct the City Clerk and the sewer department to disconnect said sewer service pursuant to the procedures hereinafter set forth.

2. Notice. Following passage of the resolution by the Council, the City Clerk shall send to each delinquent customer selected for disconnection a notice, by certified mail, that if such delinquency is not corrected within thirty (30) days, sewer service to such customer's dwelling or business establishment shall be disconnected.

3. Service Disconnected. The Superintendent shall disconnect sewer service to all customers so notified and not having contested the billing in whole or in part, in good faith, or who have failed to make payment or failed to make arrangements for payment, at the close of the thirty (30) days following receipt of the notice of intended disconnection. The actual cost of disconnecting the sewer service shall be charged to the property owner or customer.

4. Reconnection Charge. Upon reconnection to the sewer system, a connection charge shall be imposed pursuant to the connection charge schedule including all of the additional delinquent sums previously charged and remaining unpaid as well as the actual cost of disconnection incurred by the City. No reconnection shall be allowed until these fees are paid pursuant to the connection charge schedule and billing requirements of the City.

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CHAPTER 100

POST CONSTRUCTION STORMWATER MANAGEMENT

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100.01 TITLE. A chapter establishing standards for the quantity and quality of water that runs off land under construction within the City.

100.02 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. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from development within the corporate limits and area of extraterritorial jurisdiction in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through establishment of appropriate minimum stormwater management standards and BMPs and to ensure that BMPs are properly maintained and pose no threat to public safety.

100.03 FINDINGS. The U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program administered by the Iowa Department of Natural Resources ("IDNR") requirements are in full effect.

100.04 DEFINITIONS. For the purpose of this chapter all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is

mandatory, while the word “may” is permissive; the singular number shall include the plural and the plural the singular.

1. “Applicant” means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. “Best management practice” (or “BMP”) means structural and non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.
3. “Building” means any structure having a roof supported by columns or walls for the housing or enclosure of persons or corporation, animals, or property.
4. “City Engineer” means the officer designated and authorized by the City Council to carry out various functions as specified in this chapter.
5. “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.
6. “Design storm” means hypothetical depth of rainfall that would occur for the stated return frequency (i.e. once every 2 years or 10 years), duration (i.e. 24-hours) and timing of distribution (i.e. type II). All values are based on the historical rainfall records for the area.
7. “Detention basin” means a stormwater management facility designed to protect against flooding and, in some cases, downstream erosion by storing water for a limited period of a time. Detention basins do not retain a significant permanent pool of water between runoff events.
8. “Developer” means any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under this chapter to effect the development of land.
9. “Development” means construction of buildings, other structures, impervious surfaces, and/or soil disturbance to the extent that peak runoff rates and volumes are increased, in a location where no such features currently exist.
10. “Directly connected impervious area” means an impervious surface that is directly connected to a storm sewer or water of the state via an impervious flow path.
11. “Drainage easement” means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
12. “Erosion” means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.
13. “Extreme flood protection (Qf)” means the controlling of post-development runoff 100-year peak flows to prevent flood damage from large storm events, maintain the boundaries of the pre-development 100-year Federal Emergency Management Agency (FEMA) and/or locally designated floodplain, and protect the physical integrity of BMP control structures.
14. “Floodplain” means a flat or nearly flat land adjacent to a stream or river that experiences occasional or periodic flooding.

15. "Hotspot land use" means a site that produces higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban stormwater runoff. Examples of hotspots include gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.
16. "Hydrologic soil group (HSG)" has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Engineering Field Manual for Conservation Practices.
17. "Hydrology" means the study of the movement, distribution, and quality of water throughout the Earth.
18. "Impervious surface" means an area that releases all or a large portion of the precipitation that falls on it, except for frozen soil. Conventional rooftops and asphalt or concrete sidewalks, driveways, parking lots and streets are typical examples of impervious surfaces. For purposes of this manual, typical gravel driveways and other examples listed shall be considered impervious unless specifically designed to encourage infiltration or storage of runoff.
19. "Infiltration" means the entry of precipitation or runoff into or through the soil.
20. "Karst features" means an area or surficial geologic feature subject to bedrock dissolution.
21. "Land disturbing activity" (or "disturbance") means any man-made 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.
22. "Maintenance agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water BMPs.
23. "NPDES" stands for National Pollution Discharge Elimination System.
24. "Overbank flood protection (Qp)" means the controlling of post-development runoff peak flows to prevent an increase in the frequency and magnitude of out-of-bank flooding generated by development (e.g., flow events that exceed the bank-full capacity of the channel and therefore must spill over into the floodplain).
25. "Peak flow" means the maximum rate at which a unit volume of storm water is discharged.
26. "Post-development condition" means the extent and distribution of land cover types anticipated to occur under conditions of full development that will influence rainfall, runoff and infiltration.
27. "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land development activity.
28. "Pre-settlement condition" means the extent and distribution of land cover types likely present before European settlement.
29. "Recharge volume (Rev)" means the volume of rainfall that is captured on a post-development site and directed through the soil to the groundwater table.

30. “Redevelopment” means any construction, alteration, or improvement performed on sites where the existing site is already predominantly developed.
31. “Runoff” means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.
32. “Runoff curve number (RCN)” has the meaning used in the runoff calculation methodology promulgated by the United States Natural Resources Conservation Service Technical Release 55, “Urban Hydrology for Small Watersheds” (commonly known as TR-55).
33. “Sediment” means solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the Earth’s surface at a different site.
34. “Site” means the entire area included in the legal description of which the land disturbing or land development activity will occur.
35. “Stormwater” has the same meaning as the term “runoff.”
36. “Surface waters” means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the jurisdiction of the City.
37. “Time of concentration (Tc)” means the time needed for water to flow from the most remote point in a watershed to the watershed outlet. It is a function of topography, geology and land use within the watershed.
38. “Volumetric runoff coefficient (Rv)” means the fraction of rainfall during small storm events that becomes runoff, and can be determined by the methodologies described by Scheuler (1987) or Pitt (1994).
39. “Water quality volume (WQv)” is the storage needed to capture and treat the runoff from 90% of the average annual rainfall. In numerical terms, it is equivalent to the rainfall depth in inches multiplied by the volumetric runoff coefficient (Rv) for the site, and the site drainage area.
40. “Wetlands” means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

100.05 ADMINISTRATION. The Post-Construction Stormwater Management chapter shall be administered by the City Engineer or officer appointed by the City Council.

100.06 ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore if any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

100.07 MANUAL. A comprehensive guide to managing stormwater on post-development sites has been developed by the Iowa Department of Natural Resources. The “Iowa Stormwater Management Manual” can be found on the Internet at: <http://www.ctre.iastate.edu/pubs/stormwater/index.cfm>.

100.08 APPLICABILITY. Post-construction stormwater management plans and permits are required for any of the following:

1. New development and redevelopment of a site with 1-acre or more of land disturbing area.
2. Any development requiring a subdivision plat.
3. Commercial or industrial development and re-development adding greater than 5000-square feet of impervious surface.
4. Any new development or redevelopment, regardless of size, with a Standard Industrial Classification (SIC) code that falls under the NPDES Industrial Stormwater Permit program or a hotspot land use.

100.09 PERFORMANCE STANDARDS.

1. Post-development runoff shall be infiltrated such that a rainfall depth of 1.25 inches is recharged to the ground (Recharge Volume, Rev). Infiltration shall be limited to the volume infiltrated in 24 hours.

Exclusion: If the site is unsuitable for infiltration, the applicant must submit geotechnical evidence of such and a determination will be made by the City Engineer and approved by the Council.

2. If the above infiltration standard cannot be met due to an exclusion as determined by the City Engineer and approved by the Council, provide water quality treatment for the runoff resulting from a rainfall depth of 1.25 inches (Water Quality Volume, WQv).

3. Post-development peak runoff rates for 24-hour storm events must not exceed the following peak runoff rates for the same event:

A. Overbank Flood Protection (Qp). Post-development peak runoff rates for the 2-, 10-, and 25-year, 24-hour storm event must not exceed the pre-settlement peak runoff rate for the same event. Post-development peak rates may be further restricted by available capacity of downstream drainage systems.

B. Extreme Flood Protection (Qf). Post-development peak runoff rates for the 100-year, 24-hour storm event must not exceed the pre-development peak runoff rate for the same event. Post-development peak rates may be further restricted by available capacity of downstream drainage systems.

Table 1: Summary of the City of Janesville’s unified stormwater sizing criteria for management of storm water quality and quantity:

Sizing Criteria	Recommended Method
<p>Recharge Volume Rev</p>	<p>The runoff resulting from a rainfall depth of 1.25 inches or less. Equal to WQv. Goal is to recharge groundwater and maintain stream baseflow and temperature. Goal may be reduced or eliminated if site conditions warrant.</p> <p>$Rev = (Rv)(A)(P)/12$</p> <p>Rv = site runoff volume coefficient</p> <p>A = site drainage area (acres)</p> <p>P = design rainfall depth = 1.25 inches</p>
<p>Water Quality Volume WQv</p>	<p>The runoff resulting from a rainfall depth of 1.25 inches or less. Equal to Rev. Goal is to reduce average annual post-development total suspended solids loadings by 80%. Goal is met if Rev is completely infiltrated.</p> <p>$WQv = (Rv)(A)(P)/12$</p> <p>Rv = site runoff volume coefficient</p> <p>A = site drainage area (acres)</p> <p>P = design rainfall depth = 1.25 inches</p>
<p>Overbank Flood Protection Qp</p>	<p>Provide peak discharge control of the 2-, 10-, and 25-year storm events through detention controls and/or additional infiltration measures. Downstream conveyance capacity may require additional peak discharge control.</p>
<p>Extreme Flood Protection Qf</p>	<p>Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm even through detention controls and/or floodplain management.</p>

C. Intakes. Storm sewer intake points (inlet grates, endwalls, etc.) should have a minimum capacity to convey the post-development condition 10-year peak flow rate.

D. Storm Sewers. Storm sewer should have a minimum capacity to convey the post-development condition 10-year peak flow rate. Provisions should be made for the 25- and 100-year peak flow rate when overland flow is not allowed or available. Storm sewer and surface water conveyance easements should be dedicated to the public. For those storm sewers that will handle footing drains, the following additional discharge (Q) values should be used:

- (1) For less than 50 houses, Q = 5.0 gpm (0.011 cfs) per house.
- (2) For greater than 50 houses, Q = 250 gpm (0.556 cfs) plus 2.5 gpm (0.0056 cfs) per house for each additional house over 50.

- E. Culverts. Culverts should have capacity to convey the following:
- (1) Post-development condition 25-year peak flow rate without the headwater depth exceeding the diameter of the culvert.
 - (2) Post-development condition 50-year peak flow rate without the headwater depth exceeding one foot over the top of the culvert.
 - (3) Post-development condition 100-year peak flow rate without the headwater depth exceeding one foot below the low point of the roadway/embankment, unless there are other, more restrictive elevations.
 - (4) Private culverts: private culverts should be designed with an overflow so that no damage is caused upstream of the proposed culvert.
- F. Ditches. Ditches should have capacity to convey the post-development condition 50-year peak flow rate within the ditch banks. Provisions should be made for the post-development condition 100-year peak flow rate to flow overland. Surface water flowage easements should be provided to the general public for all designed drainage ways and overland flow paths.
- G. Outlet Stabilization. Stable outlets must have the capacity to handle the designed outflow from the pond outlet or pipe conveyance structures they serve. Outlet stabilization shall be designed based on the expected outlet discharge from the 10-year, 24-hour storm event.
- H. Open Channel Stabilization. To prevent channels from eroding, the channel lining must be adequate to carry the design velocity and volume. Where velocities are higher than 5 ft/sec or where the channel must carry prolonged flow, the channel should be lined with riprap or other armoring material. Channel linings shall be designed based on the expected channel velocity from the 10-year, 24-hour storm event.

100.10 MANAGEMENT PRACTICES. A comprehensive guide to managing stormwater on post-development sites has been developed by the Iowa Department of Natural Resources. The "Iowa Stormwater Management Manual" can be found on the Internet at: <http://www.ctre.iastate.edu/pubs/stormwater/index.cfm>.

100.11 POST-CONSTRUCTION STORMWATER MANAGEMENT SUBMITTAL. ****PLEASE NOTE**** A DNR issued General Permit No. 2 will continue to be necessary prior to the beginning of any construction activity that disturbs more than one or more acres or which is part of a larger project that disturbs one or more acres in total. The submittal of site development project will require a descriptive narrative of the site, a site plan, and other supporting documents. They are provided as a minimum guide and are not to be construed as the specific information to be supplied on every project drainage report, and other information may be required. Pre-settlement, pre-development, and post-development conditions for any given site will require analysis unique to that area.

1. Project report narrative including the following items:
 - A. A cover sheet with project name and location, name of firm or agency preparing the report, professional engineer's signed and sealed certification.

- B. The nature of the construction activity (e.g. roadway construction, utility construction, single family residential construction, etc.), an estimate of the total area of the project site, and the total anticipated impervious area.
- C. Watershed size for each drainage area (both onsite and offsite) to determine how much of the area to be developed is affected by other drainage flowing through the site and to design appropriately sized storm sewer, culverts, and drainage channels.
- D. Describe pre-settlement/pre-development land use, topography, drainage patterns (including overland conveyance of the 100-year storm event), and natural and manmade features. **Pre-settlement ground coverage should be assumed as open prairie in any non-wooded area.**
- E. Describe post-developed land use and proposed grading.
- F. Describe contributing off-site drainage patterns, land use, and stormwater conveyance.
- G. Discussion of soils located on site and their suitability for infiltration. If infiltration meets the exclusion criteria, state why.
- H. Describe the features that will be installed to control rate of runoff, pollutants in stormwater, and infiltration in the post-development condition.
- I. Describe the maintenance and repair plan for all stormwater BMPs including detailed maintenance and repair procedures to ensure their continued efficient function. These plans will identify the parts or components of a stormwater BMP that need to be maintained and the equipment and skills or training necessary.
- J. Indicate what permits have been applied for and received, including but not limited to IDNR Notice of Intent, flood permit for sites affecting FEMA FIRM Zone A, ACOE Section 401 and/or 404 permits for work in waterways or wetlands.

2. Pre-settlement and pre-development runoff analysis, including:

- A. Describe overall watershed area and relationship between other watersheds or sub-area. Include a pre-settlement/pre-development watershed map in the report appendix.
- B. The typical method used to predict runoff and peak discharge is the NRCS TR-55 method. Other methods may be used only with the preapproval of the City Engineer.
- C. Describe method used to calculate the time of concentration.
- D. List runoff coefficients or curve numbers applied to the drainage areas. The RCNs listed in Table 2a shall be used in all hydrologic calculations for pre-settlement conditions required for determining Qp limits (2-, 10-, and 25-year events). These RCNs have been selected with the intent to mimic hydrologic conditions that existed in Iowa prior to settlement. The RCNs listed in Table 2b shall be used in all hydrologic calculations for pre-development conditions required for determining of limits (100-year event). If a geotechnical study of the site was used to determine HSG, provide boring logs and locations in the appendix of the report. If a soil survey was used to determine HSG, cite it in the references.

Table 2a: RCNs for projects in the City of Janesville
(Pre-settlement conditions, 2- thru 25-year events)

Cover Type	Curve Numbers for Hydrologic Soil Group			
	A	B	C	D
Non-wooded Areas ¹	30	58	71	78
Wooded Areas ²	30	55	70	77

¹ RCNs are equivalent to the TR-55 listed values for meadow in good condition with the intent to mimic pre-settlement conditions. Apply to any pre-development condition area which is not wooded.

² RCNs are equivalent to the TR-55 listed values for woods in good condition.

Table 2b: RCNs for project in the City of Janesville
(Pre-development 100-year events and all post-development storm events)

Cover Type	Curve Numbers for Hydrologic Soil Group			
	A	B	C	D
Continuous Cropped Agricultural Use ¹	55	69	78	82
Continuous Mature Wooded Area ²	30	55	70	77
Continuous Meadow Area ³	30	58	71	78
Lawn and Pasture Area ⁴	39	61	74	80
Impervious Area ⁵	98	98	98	98

¹ RCNs are equivalent to mid-range TR-55 listed values for row crops and legume crops (excluding crops mown for hay) were conservation practices are used.

² RCNs are equivalent to the TR-55 listed values for woods in good condition.

³ RCNs are equivalent to the TR-55 listed values for meadow (ungrazed and unmowed) in good condition).

⁴ Areas include residential lawns, golf courses, cemeteries, grazed or mowed farm pasture, and other areas with short grass.

⁵ Areas include roofs, sidewalks, paved streets and roads (excluding right-of-way), curbs, paved parking lots and driveways.

E. The typical precipitation model and rainfall duration used for the design storm is the NRCS MSE4 24-hour distribution. Total 24-hour rainfall amounts for given frequency shall reflect data from "NOAA Atlas 14 Precipitation-Frequency Atlas of the United States Volume 8 Version 2.0: Midwestern States" as compiled by the USDA NRCS on a Countywide basis and as displayed in Table 3, below. Other methods (such as a user-defined model based on collected precipitation data) or durations (such as a critical duration analysis) may be used only with the preapproval of the City Engineer.

Table 3: City of Janesville
24-hour Rainfall Depth for Various Storm Events

Return Period	Rainfall Depth (in) ¹
1-yr	2.68
2-yr	3.12
5-yr	3.90
10-yr	4.60
25-yr	5.66
50-yr	6.55
100-yr	7.49

¹ Data included in table reflects NRCS published data for Bremer County which has larger rainfall depths than Blackhawk County for reported return periods.

F. Provide summary table(s) of model results including drainage area, time of concentration, frequency, peak discharge, and accumulative routed flows at critical points within the development (if any) and at development boundaries. At a minimum, flow rates for pre-settlement 2-, 10-, and 25-year storms and pre-development 100-year storm must be provided.

3. Post-development runoff analysis, including:

A. Describe same criteria listed above for the post-development runoff scenario.

B. Summary of post-development runoff:

(1) Description of BMP including water quality practices (methodology).

(2) Provide table(s) including drainage area, time of concentration, frequency, duration, and peak discharge. Summarize in narrative form the change in hydrologic conditions due to the development.

(3) Post-developed discharge should take into account any upstream offsite detention basins and undeveloped offsite areas assumed to be developed in the future with stormwater detention.

4. Rate control structure and conveyance system analysis, including:

A. Describe any detention basin locations by discussing existing topography and relationship to basin grading. Determine if rock deposits will affect construction and if a high water table precludes basin storage. Floodplain locations should be avoided.

B. The detention basin size in final design should be based upon actual hydrograph routing for the design storms controlled by the basin. Note the TR-55 should not be used in final design.

C. The top of any dike used in forming a detention basin should be a minimum of one foot above the 100-year storage elevation. Large detention

basin design may require IDNR approval (see Iowa Administrative Code Title V, Chapter 70).

D. Discuss the basin outlet design in terms of performance during low and high flows and downstream impact.

E. Design the spillway for high flows using weir and/or spillway design methods. The steady-state open channel flow equation is not intended for use in spillway design.

F. Describe methods to protect the basin during overtopping flow.

G. Describe channel protection/lining and velocity dissipation at outlets.

H. Provide a summary table of the respective volumes and discharge rates for the project area after routing through rate control structures, and a comparison to the calculated allowable release rate from the site for the 2-, 10-, 25-, and 100-yr storm events.

5. Infiltration basin analysis, including:

A. Describe any basin locations by discussing existing topography and relationship to basin grading. Floodplain, high groundwater, and high bedrock locations should be avoided.

B. The available infiltration rate and resulting footprint size and depth of basin required to capture the Water Quality Volume.

C. Wet detention (retention) basin analysis, if the site conditions do not allow for infiltration of the WQv.

D. Extended detention basin analysis.

6. A site map (or maps) including the following items:

A. A preliminary plat (with pre- and post-development topography) may be used to show the proposed development. The limits of swale and ditch easements should be established based upon the required design frequency. This includes 100-year overflow easement from stormwater controlled structures.

B. Identify areas of the site located within the floodway or floodplain boundaries as delineated on flood insurance rate maps, or as determined by other engineering analysis. Identify wetland areas on the site, as delineated by the National Wetlands Inventory, or as determined by a specific wetland study.

C. Soil map or geotechnical information.

D. Location and elevations of jurisdictional benchmarks. All elevations should be on jurisdictional datum.

E. Proposed property lines (if known).

F. Existing drainage facilities and structures, including existing roadside ditches, drainage ways, gutter flow directions, culverts, etc. All pertinent information such as size, shape, slope location, 100-year flood elevation, and floodway fringe line (where applicable), should also be included to facilitate review and approval of drainage plans.

- G. Proposed drainage facilities and structures, including storm sewers and open drainage ways, right-of-way and easement width requirements, 100-year overland flow easement, proposed inlets, manholes, culverts, erosion and sediment control, water quality (pollution) control, infiltration basins, energy dissipation devices, and other appurtenances.
- H. Cross sections and profiles of road ditches, designed to carry storm flows and to ensure non-erosive velocities.
- I. Proposed outfall point(s) for runoff from the study area.
- J. The 100-year flood elevation and major storm floodway fringe (where applicable) are to be shown on the plans, report drawings, and plats (preliminary and final). In addition, the report should demonstrate that the stormwater system has adequate capacity to handle a 100-year storm event, or provisions are made for overland flow.
- K. Show the critical minimum lowest opening elevation of buildings for protection from major and minor storm runoff.
7. Supporting Computation. Computations may be done by hand or with computer software (P8, WinSLAMM or other City Engineer approved models). If software was used, attached computer-generated reports and output and underline and label results, such as the peak discharge. Provided computation must include:
- A. Runoff coefficients and curve numbers for each sub-watershed.
 - B. Total impervious area (ft² and % of total drainage area).
 - C. Times of concentration for each sub-watershed.
 - D. Storm sewer design summaries.
 - E. Peak runoff calculations – show results in tabular format and pre-and post-developed hydrographs.
 - F. Detention basin design – show tabular stage-storage-discharge results and inflow/outflow hydrographs. Include both extended-detention and rate control results.
 - G. Water quality volume calculations.
 - H. Infiltration basin design calculations.
 - I. Open channel flow calculations. For ditches that drain areas over two square miles in urban areas and over ten square miles in rural areas, design may require the Iowa Department of Natural Resources (IDNR) approval (see Iowa Administrative Code Chapter 567.71).
 - J. Culvert design calculations. For culverts that drain areas over two square miles in urban areas and over ten square miles in rural areas, design may require the Iowa Department of Natural Resources (IDNR) approval (see Iowa Administrative Code Chapter 567.71).
 - K. Erosion protection design.
8. Performance Guarantee. Before the recording of final plat an issuance of a permit, or as condition of approval of final plat and issuance of a permit, the City shall require the following guarantees to insure that the stormwater BMPs are installed by the permit holder as required by the approved stormwater management final plan.

A. The amount of the performance guarantee shall be the total estimated construction cost of the stormwater BMPs approved under the permit, plus 10%. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City Council resolution.

B. City will make a final inspection of stormwater BMPs to ensure compliance with the approved stormwater management final plan and the provisions of this ordinance.

9. **Maintenance Performance Guarantee.** City shall also require the submittal of a maintenance performance guarantee prior to issuance of a permit in order to insure that the stormwater BMPs are maintained in an effective state for a minimum of two years after the City's acceptance of the development or improvement.

100.12 INDEMNIFY CITY. The application form signed by the applicant for a City Stormwater Management permit shall include the following statement:

The undersigned Applicant hereby agrees to defend, indemnify and hold the City, its officers, and employees harmless from any and all claims, damages or suits of any kind arising directly or indirectly out of any act of commission or omission by the Applicant, or any employee, agent, assign, contractor or subcontractor of the Applicant, in connection with the Applicant's State NPDES General Permit No. 2 and/or City Stormwater Management permit.

100.13 PERMIT ISSUANCE OR DENIAL. Upon receipt of an application for a City Stormwater Management permit, the City shall issue a permit within 30 days or if the City finds that the application fails to comply with this chapter, the City shall provide the applicant a schedule identifying wherein the application does not comply.

100.14 NOTICE OF CONSTRUCTION COMMENCEMENT. The applicant must notify City in advance before the commencement of construction. Regular inspections of construction of the storm water BMPs shall be conducted by City or City's designated representative. All inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the inspection; and
2. Whether construction is in compliance with the approved stormwater management concept plan; and
3. Variations, if any, from the approved stormwater management concept plan.

100.15 CONSTRUCTION VIOLATIONS. If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by City.

100.16 AS-BUILT DRAWINGS. After construction is completed, applicants are required to submit actual "as built" drawings satisfactory to City for any stormwater BMPs located on-site. A final inspection by City is required before the release of any performance securities can occur.

100.17 STABILIZATION REQUIREMENTS. Stabilization shall be accomplished to prevent violation of City stormwater requirements or impairment of BMPs.

100.18 OWNER RESPONSIBILITY. The applicant or owner of every site shall be responsible for maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City for two years after acceptance of improvements.

100.19 MAINTENANCE AND REPAIR EASEMENT. Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a maintenance and repair easement agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. The agreement shall provide for access to the BMP and the land it serves at reasonable times for periodic inspection by City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements. The easement agreement shall be recorded by City at the expense of the permit holder or property owners.

100.20 MAINTENANCE COVENANTS.

1. Maintenance of all stormwater BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by City and recorded prior to the stormwater management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts.

2. City, in lieu of a maintenance covenant, may but is not required to accept dedication of any existing or future stormwater BMP to include City responsibility for maintenance and repair, provided that the maintenance and repair of such element will not impose an undue burden on other City taxpayers who enjoy little if any benefit from the BMP, the BMP meets all the requirements of this chapter, and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

100.21 REQUIREMENTS FOR MAINTENANCE COVENANTS. All stormwater BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include but are not limited to removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs.

100.22 INSPECTION OF STORMWATER BMPs. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or

sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.

100.23 RIGHT-OF-ENTRY FOR INSPECTION. The property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when City has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

100.24 RECORDS OF INSTALLATION AND MAINTENANCE AND REPAIR ACTIVITIES. Parties responsible for the operation and maintenance of stormwater BMPs shall make records of the installation permanent. Maintenance and repair records shall be retained for ten years. These records shall be made available to City during inspection of the facility and at other reasonable times upon request.

100.25 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 permit as required by this chapter, constitutes a municipal infraction.

100.26 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 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.

100.27 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 or noncompliance, prior to the correction of the conditions of noncompliance, shall constitute a violation of this chapter.

100.28 ENFORCEMENT AND PENALTIES. The City will work with applicants for consistent enforcement of the City minimum standards. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, City may assess, jointly and severally, the owner(s) of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

100.29 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.

100.30 ENFORCEMENT. The City Engineer and/or City Inspector may enter upon any property where land disturbing activity is being conducted and take any and all action necessary to abate any violation of this chapter and/or remediate or restore the property to its condition prior to the land disturbing activity. It shall be a violation of this chapter for any person to refuse to allow the City Engineer and/or City Inspector to enter upon property for such purposes.

100.31 COST OF ABATEMENT OF VIOLATION. Within thirty (30) days after abatement of a violation of this chapter, the owner of the property shall be notified in writing by the City of the cost of abatement, including administrative costs. The property owner may file a written protest with the City objecting to the amount of the cost of abatement within fifteen (15) days thereafter. If the cost of abatement is not paid to the City within sixty (60) days after the date of the notice, the cost of abatement shall be certified by the City in the manner of an assessment against the property and shall constitute a lien on the property.

100.32 INJUNCTIVE RELIEF. The City may seek equitable relief restraining any person from any activity in violation of this chapter including compelling the performance of abatement or remediation of such violation.

(Ch. 100 – Ord. 331 – Dec. 18 Supp.)

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CHAPTER 101

EROSION AND SEDIMENTATION CONTROL

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101.01 TITLE. A chapter amending City-wide standards for the quantity and quality of water that runs off land under construction within the City.

101.02 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.

101.03 FINDINGS. The U.S. EPA's National Pollution Discharge Elimination System ("NPDES") permit program requires certain individuals engaged in construction activities (applicant or applicants) to submit an application to the IDNR for a State NPDES General Permit No. 2. Notwithstanding any provision of this ordinance, every applicant bears final and complete responsibility for compliance with a State NPDES General Permit No. 2 and a City Erosion and Sediment Control (ESC) Permit and any other requirement of state or federal law or administrative rule.

101.04 DEFINITIONS. For the purpose of this chapter all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural the singular.

1. "Best management practice" (or "BMP") means structural and nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or other pollutants carried in runoff.
2. "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.

3. "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.
4. "City Engineer" means the officer designated and authorized by the City Council to carry out various functions as specified in this chapter.
5. "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.
6. "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.
7. "Developer" means any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under this chapter to effect the development of land.
8. "Development" means construction of buildings, other structures, impervious surfaces, and/or soil disturbance to the extent that peak runoff rates and volumes are increased, in a location where no such features currently exist.
9. "Erosion" means the process of detachment, transport and deposition of soil, sediment or rock fragments by action of water, wind, ice or gravity.
10. "Erosion control plan" means a written description and detailed site plan of best management practices designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the City Engineer.
11. "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.
12. "Floodplain" means a flat or nearly flat land adjacent to a stream or river that experiences occasional or periodic flooding.
13. "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, landslides, earthquakes, toxic chemicals, radiation, fire and disease.
14. "Land disturbing activity" (or "disturbance") means any man-made 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.
15. "Major Erosion Control (ESC) Permit" applies to sites with a disturbance area greater than (1) acres and any development that is considered a subdivision.
16. "Minor Erosion Control (ESC) Permit" applies to sites with a disturbance area less than one (1) acres but greater than 4,000 square feet. All that needs to be submitted is the information to complete the Minor ESC Permit Form.

17. "Ordinary high water mark (OHWM)" means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape.
18. "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.
19. "Plans" means the profiles, typical cross sections, working drawings and supplemental drawings; site, grading, drainage, and erosion and sedimentation plans as approved by the City Engineer or exact reproduction thereof, which show the location, character, dimension and details of the work.
20. "Runoff" means water from rain, snow or ice melt, or dewatering that moves over the land surface via sheet or channelized flow.
21. "Sediment" means solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.
22. "Site" means the entire area included in the legal description of which the land disturbing or land development activity will occur.
23. "Soil" means all Earth material of whatever origin that overlies bedrock, and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.
24. "Specifications" means the general term comprising all the directions, provisions and requirements, together with such as may be added or adopted as supplemental specifications or special provisions approved by the City Engineer.
25. "Stabilized" means that all land disturbing activities are completed and that a uniform, perennial vegetative cover has been established over the entire surface with a density of at least 70%, or other surfacing material is in place and the risk of further soil erosion is minimal, as determined the City.
26. "Structure" means a combination of materials other than a building to form a construction and includes, among other things, stadiums, platforms, radio towers, fences and signs.
27. "Stormwater" has the same meaning as the term "runoff."
28. "Surface waters" means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the City of Janesville.
29. "Wetlands" means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

101.05 ADMINISTRATION. The Erosion and Sediment Control Ordinance shall be administered by the City Engineer.

101.06 ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no erosion or sedimentation from a land disturbing activity, or contamination, pollution, or other unauthorized discharge of

pollutants. This chapter does not relieve any person of the responsibility to obtain a State NPDES General Permit No. 2 and adhering to the requirements therein, nor does it relieve any person from the responsibility of following any other applicable local, State, or Federal regulation.

101.07 FEES. Fees are set by the City as follows:

1. For any one site with one acre or more of disturbed area, the ESC permit fee is \$50.00 plus \$50.00 per acre for every acre or portion of an acre over one acre.
2. For any one site with between 4000 square feet and 1 acre of disturbed area, the ESC fee is \$50.00.
3. Fees may be modified by the City by ordinance.

101.08 MANUAL. A comprehensive guide to managing erosion on construction sites has been developed by the Iowa Department of Natural Resources. The "Iowa Construction Site Erosion Control Manual" can be found on the internet at: http://www.iowadnr.gov/water/stormwater/forms/construction_man.pdf.

101.09 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 involving excavation and/or filling more than 500 cubic yards of material.
3. Land disturbance of more than 100 lineal feet of road ditch, grass waterway, or other area where surface drainage flows in open channels.
4. New public or private roads or access drives longer than 150 feet.
5. Development that requires a subdivision plat.
6. Land disturbance of more than 1000 square feet within any of the following areas:
 - A. Within 200 feet of the ordinary high-water mark of any navigable water or 1000 feet of a public lake or pond.
 - B. Within 100 year floodplain.
 - C. Within 100 feet of a wetland.

101.10 PERFORMANCE STANDARDS. Acceptable soil loss limits: maximum rate of off-site sediment yield permitted from projects requiring an erosion control plan and permit is 5 tons per acre per year leaving the site as determined by the Revised Universal Soil Loss Equation 2 (RUSLE-2) Worksheet or by other methods as approved by the City.

101.11 MANAGEMENT PRACTICES. A comprehensive guide to managing erosion on construction sites has been developed by the Iowa Department of Natural Resources. The "Iowa Construction Site Erosion Control Manual" can be found on the internet at: http://iowadnr.gov/water/stormwater/forms/construction_man.pdf. The guide contains figures and tables summarizing the appropriate use of each of the measures listed, as well as providing specifications and installation guidelines for each. The use of this guide is strongly encouraged when choosing management practices for a construction site.

101.12 CONSTRUCTION SITE EROSION CONTROL SUBMITTAL. ****PLEASE NOTE**** A DNR issued General Permit No. 2 will continue to be necessary prior to the beginning of any construction activity that disturbs more than one acre or which is part of a larger project that disturbs one or more acres in total.

101.13 MINOR EROSION AND SEDIMENTATION CONTROL (ESC) PERMIT. A Minor ESC Permit applies to sites with a disturbance area greater than 4,000 square feet and less than one (1) acre. All that needs to be submitted is the information to complete the ESC Permit Form.

101.14 MAJOR EROSION AND SEDIMENTATION CONTROL (ESC) PERMIT. A Major ESC Permit applies to sites with a disturbance area greater and one (1) acre and for any development that requires a subdivision plat. See below for details on Major ESC submittal requirements.

101.15 SUBMITTAL OF AN EROSION CONTROL PLAN. The submittal of an erosion control plan will require completion of an ESC Permit Form, a descriptive narrative of the site, a site plan, and other supporting documents. Note that many of the items coincide with the Iowa DNR's Storm Water Pollution Prevention Plan (SWPPP) requirements.

1. Site description including the following items:
 - A. The nature of the construction activity (e.g. roadway construction, utility construction, single family residential construction, etc.) and major soil disturbing activities (i.e. clearing, grading, utility work, paving, home building, etc.)
 - B. An estimate of the total area of the project site and the total disturbed area.
 - C. Watershed size for each drainage area to determine how much of the area to be developed is affected by other drainage flowing through the construction site; to design culvert sizes and drainage channels' to determine the sediment produced by the site under construction.
 - D. A summary of available information describing the existing soil and soil properties (e.g. type, depth, infiltration, erodibility, etc.).
 - E. Information describing the quality of the stormwater runoff currently discharged from the site (required only if data exists, it is not necessary to collect and analyze runoff).
 - F. The name of the receiving waters and ultimate receiving waters of runoff from the site. If the site drains into a municipal storm sewer system, identify the system, and indicate the receiving waters to which the system discharges.
 - G. List the anticipated sequence of major construction activities and clearly describe the order for implementation of the control measures.
 - H. Describe the temporary and permanent stabilization control measures used.
 - I. Describe the maintenance procedures required to keep the controls functioning in an effective manner. For each type of erosion or sediment control practice utilized, a description of the proper methods for maintenance

must be provided. In addition, maintenance should include removal of sediment from streets, ditches, or other off-site areas.

J. Describe practices for preventing hazardous materials that are stored on the site from contaminating stormwater.

K. When there is a possibility for non-stormwater related discharges from the site, they must be identified and include a description of the measures that will be implemented to prevent these flows from becoming contaminated by hazardous materials or sediment. Allowable non-stormwater related flows include flows from sump pumps, fire hydrant and potable waterline flushing, vehicle washing, external building washdown, pavement washwater, air conditioning condensate, springs, and footing drains, provided that they are not contaminated by detergents or spills/leaks of toxic/hazardous materials.

L. Describe a method to limit the off-site tracking of sediment by vehicles.

2. A site map (or maps) including the following items:

A. Limits of soil-disturbing activities – define construction boundaries to limit the disturbance to the smallest area possible. Identify areas to be preserved or left as open space, existing drainage patterns, drainage areas for each discharge location (including off-site drainage), proposed grading, surface waters and wetlands, and locations where stormwater is discharged to surface water.

B. Plan drawing of site to show the location of property lines, lot dimensions, limits of impervious area, land cover type, natural and artificial water features, 100-yr flood plain boundaries, wetland boundaries, and locations of proposed erosion controls.

C. A plan note stating that areas not subject to construction activity for 21 days or more must have stabilizing measures initiated within 14 days after construction activity has ceased.

D. A plan note stating that any waste materials from the site must be properly disposed of.

E. In conformance with IDNR General Permit No. 2 Part IV D.2.A(2)(a), for disturbed drainage areas smaller than 10 acres, a sediment basin or sediment control along the sideslope and downslope boundaries of the construction area is required. For sites with 10 acres or more of disturbed drainage areas that drain to a common location, a sediment basin providing 3600 cubic feet of storage per acre drained is required where attainable. The storage requirement does not apply to flows from undisturbed areas or stabilized areas that have been diverted around the sediment basin. When sediment basins of the size required are not attainable, other methods of sediment control that provide an equivalent level of protection are required.

3. Other supporting materials:

A. List additional state or local regulations that apply to the project.

B. List any applicable procedures or requirements specified on plans approved by state or local officials.

101.16 INDEMNIFY CITY. The application form signed by the applicant for a City ESC permit shall include the following statement:

The undersigned Applicant hereby agrees to defend, indemnify and hold the City, its officers, and employees harmless from any and all claims, damages or suits of any kind arising directly or indirectly out of any act of commission or omission by the Applicant, or any employee, agent, assign, contractor or subcontractor of the Applicant, in connection with the Applicant's State NPDES General Permit No. 2 and/or City ESC permit.

101.17 PERMIT ISSUANCE OR DENIAL. Upon receipt of an application for a City ESC permit, if the City finds that the application complies with this chapter, the City shall issue a City ESC permit within 30 days unless the City finds that the application fails to comply with this chapter then the City shall provide the applicant a schedule identifying wherein the application does not comply.

101.18 CONDITION PRECEDENT TO ISSUANCE OF BUILDING PERMIT. Issuance of a City ESC permit shall be a condition precedent to the issuance of a City building permit for the land disturbing activity described in the application.

101.19 INFORMATION REQUIRED. For so long as any land disturbing activity is subject to a state NPDES General Permit No. 2, the City ESC permit shall be required. At all times while the land disturbing activity is being conducted, the permittee shall provide the City with the following current information:

1. The name, address and telephone number of the person on site designated by the property owner where the land disturbing activity is being conducted who is knowledgeable and experienced in erosion and sediment control and who will oversee compliance with a state NPDES General Permit No. 2 and the City ESC permit; and
2. The name(s), address(es) and telephone number(s) of the contractor(s) and/or subcontractor(s) who will implement each erosion and sediment control measure identified in the SWPPP.

101.20 TRANSFER OF ESC PERMIT RESPONSIBILITIES. Upon the sale of property for which a City ESC permit has been issued, the permittee may transfer the City ESC permit to the new property owner if the permittee provides the City with written confirmation that the permittee has transferred a state NPDES General Permit No. 2 in accordance with the guidelines established by a state NPDES General Permit No. 2 and the permittee pays the permit transfer fee established by the City. The permittee shall notify the City of any application to the IDNR for the release of any property from a state NPDES General Permit No. 2. Absent such written confirmation of transfer, the permittee shall remain responsible for City ESC permit compliance on the property sold.

101.21 DISCONTINUANCE OF PERMIT. A permittee who discontinues a state NPDES General Permit No. 2 shall immediately submit to the City copies of the materials and documents submitted to the IDNR in support of the discontinuation.

101.22 NPDES NONCOMPLIANCE. Noncompliance with any provision of a state NPDES General Permit No. 2 by any person required by law or administrative rule to comply with the terms of a state NPDES General Permit No. 2 constitutes a violation of this chapter.

Each failure to comply with a state NPDES General Permit No. 2 shall constitute a separate violation of this chapter.

101.23 MONITOR SITE CONDITIONS; INSPECTION. Upon issuance of a state NPDES General Permit No. 2 or a City ESC permit, a permittee shall monitor site conditions and perform inspections in a manner consistent with state NPDES General Permit No. 2 requirements and report to the City any change of circumstances or site conditions which the permittee knows or should know pose a risk of stormwater discharge in a manner inconsistent with the permittee's SWPPP, state NPDES General Permit No. 2 and/or City ESC permit. Inspections are required every seven calendar days.

101.24 RIGHT OF ENTRY. The City Engineer and/or City Inspector may enter upon any property where land disturbing activity is being conducted to determine compliance with this chapter.

101.25 NOTIFY CITY OF COMPLETION OR REQUIREMENTS. Prior to initiating any land disturbing activity that requires a City ESC permit, the permittee shall notify the City when all measures required by the applicant's SWPPP have been accomplished on site.

101.26 PERIODIC INSPECTIONS. Upon issuance of a City ESC permit, the City Engineer and/or City Inspector may conduct periodic inspections to monitor and report on compliance with a state NPDES General Permit No. 2 and the City ESC permit.

101.27 CONDITIONS OF NONCOMPLIANCE; CORRECTIVE ACTION. At any time the City receives any information that the site conditions pose a risk of stormwater discharge in a manner inconsistent with the permittee's SWPPP, state NPDES General Permit No. 2 and/or City ESC Permit, the City shall provide the permittee with a schedule identifying the conditions of noncompliance. The permittee shall immediately commence corrective action and shall complete such corrective action within twenty four (24) hours after receipt of the schedule. For good cause shown, the City may extend the deadline for completing such corrective action.

101.28 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 ESC permit as required by this chapter, constitutes a municipal infraction.

101.29 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 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.

101.30 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.

101.31 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 plans. If a site is not in compliance with its plan as determined by inspection, a stop work order may be issued and the City may levy fines. 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 as per the Code of Ordinances of the City of Janesville, Iowa. The City may order compliance by written notice of violation setting forth the time 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.

101.32 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.

101.33 ENFORCEMENT. The City Engineer and/or City Inspector may enter upon any property where land disturbing activity is being conducted and take any and all action necessary to abate any violation of this chapter and/or remediate or restore the property to its condition prior to the land disturbing activity. It shall be a violation of this chapter for any person to refuse to allow the City Engineer and/or City Inspector to enter upon property for such purposes.

101.34 COST OF ABATEMENT OF VIOLATION. Within thirty (30) days after abatement of a violation of this chapter, the owner of the property shall be notified in writing by the City of the cost of abatement, including administrative costs. The property owner may file a written protest with the City objecting to the amount of the cost of abatement within fifteen (15) days thereafter. If the cost of abatement is not paid to the City within sixty (60) days after the date of the notice, the cost of abatement shall be certified by the City in the manner of a special assessment against the property and shall constitute a lien on the property.

101.35 INJUNCTIVE RELIEF. The City may seek equitable relief restraining any person from any activity in violation of this chapter including compelling the performance of abatement or remediation of such violation.

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CHAPTER 102

STORM WATER UTILITY

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102.01 PURPOSE AND FINDINGS.

1. The purpose of this chapter is to establish a policy and procedure for managing and controlling the quantity and quality of stormwater runoff, wherever it may be found, within the City limits. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the Council.
2. The stormwater needs in the City include, but are not limited to, protecting the public safety, health and welfare of its citizens. Stormwater management programs and facilities result in both service and benefit to all properties, property owners, citizens and residents of Janesville in a variety of ways. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including, but not limited to, location, demands and impacts imposed on the stormwater systems and programs and risk of exposure.
3. The City presently owns and operates numerous stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the City, and of additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use and enhance stormwater systems and facilities in Janesville in concert with the management of other water resources in the City. In order to do so, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.
4. The Council finds, concludes and determines that a utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in Janesville.
5. An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quality and quantity requirements and costs posed by properties throughout the City. Such schedule of service charges can be complemented by other funding methods which address specific needs. This schedule will be adopted by ordinance.
6. The City may be required under Federal and State mandates to provide increased quantity or quality controls to mitigate the impacts of pollutants that may be discharged from the stormwater collection system. Therefore, it is appropriate to impose a stormwater user charge upon all users of property that may discharge, directly or indirectly, into the storm sewer system, whether private or public in nature.

102.02 ESTABLISHMENT OF A STORMWATER UTILITY.

1. There is hereby established a Stormwater Management Utility within the City which shall be responsible for creating revenue for stormwater management throughout the City's corporate limits, and which shall provide for the management, protection, control, regulation, use and enhancement of stormwater systems and facilities. Such utility shall be under the direction of the Storm Water Utility Supervisor. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the Stormwater Utility District.

2. The City shall establish a Stormwater Enterprise Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to, rentals, rates, charges, fees and licenses as may be established by the Council. All revenues and receipts of the Stormwater Utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the utility, including (but not limited to) operational actions, capital project construction, or payment of bonds funding capital projects. No other funds of the City shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts and resources not accounted for in the Stormwater Enterprise Fund, including grants, loans, and bond proceeds may be combined with and applied to stormwater management capital projects as deemed appropriate by the Council upon recommendation of the Stormwater Utility Supervisor.

102.03 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Customers of the stormwater utility" include all persons, properties and entities serviced by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities and activities related thereto, and persons, properties and entities which will ultimately be served or benefited as a result of the stormwater management program. See also "user."

2. "Developed land" means property altered from its natural state by the construction or installation of impervious surface as defined in this chapter.

3. "Tiered rate stormwater utility" means classification of a property by land use. Stormwater utility fees shall be based on residential, non-residential, or undeveloped land use classification.

4. "Hydrologic response" of a property is the manner and means whereby stormwater collects, remains and infiltrates and is conveyed from a property. It is dependent on several factors, including (but not limited to) the presence of impervious area, the size, shape, topographic, vegetative and geologic conditions of a property, antecedent moisture conditions and groundwater conditions on a property.

5. "Impervious surfaces" means those areas which prevent or impede the infiltration of stormwater into the soil as it enters natural conditions prior to development. Common impervious areas include, but are not limited to: rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
6. "Residential" means developed land whereon three or more attached residential dwelling units are located and includes, but is not limited to, apartment houses, condominiums, town homes, attached single-family homes, and other structures in which three or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multi-family residential parcels shall be treated as other developed lands.
7. "Non-residential" means (but is not limited to) commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, recreation properties, public and private schools, research stations, hospitals and convalescent centers and agricultural uses covered by impervious surfaces.
8. "Owner" means the legal owner of record as shown on the tax rolls of Black Hawk or Bremer Counties except where there is a recorded land sale contract, the purchaser there under shall be deemed the owner.
9. "Service charge" means the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being land use on each parcel of developed land.
10. "Stormwater management systems" address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention and treatment of stormwater or surface water drainage.
11. "Stormwater utility supervisor" is a person appointed by the City Council to respond to various technical issues as referred to throughout this ordinance. This person may be the City Clerk, Mayor, Engineer, or other individual appointed by the City Council.
12. "Undeveloped land" means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state. Undeveloped land shall have no concrete pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different from that which would occur if the land was in an unaltered natural state.
13. "User" means any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for stormwater

management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

102.04 SCOPE OF RESPONSIBILITY FOR THE DRAINAGE SYSTEM. The City drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which (i) are located within public streets, rights-of-way, and easements; (ii) are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance and/or improvement of systems and facilities; or (iii) are located on public lands to which the City has adequate access for operation, maintenance and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities for operation, maintenance and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

102.05 DETERMINATION AND MODIFICATION OF STORMWATER SERVICE CHARGES OR FEES. Stormwater service charges or fees shall be determined and modified from time to time by action of the Council. In setting or modifying such rates it shall be the objective of the Council to establish rates, fees and charges that are fair and reasonable, reflect the value of stormwater management services and facilities to those properties who benefit therefrom, and which, together with any other sources of revenue that may be made available to the stormwater utility, will be sufficient to meet the cost of budgeted programs, services and facilities, including (but not limited to) the payment of principal and interest on revenue bond obligations incurred for construction and improvements to the stormwater system, as applicable.

102.06 EXEMPTIONS APPLICABLE TO STORMWATER SERVICE CHARGES.

1. Streets, alley ways and highways in the public domain shall be exempt from stormwater service charges. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges.

102.07 SERVICE CHARGE BILLING, DELINQUENCIES AND COLLECTIONS.

1. A stormwater service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land, as shown from public land records of Bremer and Blackhawk County, shall be ultimately obligated to pay such fee. If a customer is under-billed or if no bill is sent for developed land, the City may back bill for a period of up to one year, but shall not assess penalties for any delinquency. If a customer is over-billed, such customer may request reimbursement for no more than one year of the over-billing, but no interest costs may be claimed for over-billing.
2. The stormwater utility service charge may be billed on a common statement and collected along with other City utility services.

3. Lien for Nonpayment. Stormwater service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk, together with a service charge of ten (10) percent of the delinquent amount, to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

4. Lien Notice. A lien for delinquent stormwater service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify is given to the customer. The notice shall be sent to the customer by ordinary mail not less than ten (10) days prior to the certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

102.08 APPEALS. Any person who believes the provisions of this chapter have been applied to such person in error may appeal in the following manner.

1. An appeal shall be filed in writing with the Stormwater Utility Supervisor. In the case of service charge appeals, the appellant shall apply to the Stormwater Utility Supervisor and provide all supporting documentation requested by this appeal.

2. Using the information provided by the appellant and information utilized by the City to calculate charges, the Stormwater Utility Supervisor shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

3. In response to an appeal, the Stormwater Utility Supervisor may recommend an adjustment to the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

4. A decision of the Stormwater Utility Supervisor which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Stormwater Utility Supervisor by the appellant, stating the grounds for appeal and shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, evidence of land use classification and impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events. The City Council shall issue a written decision on the appeal within forty-five (45) days. All decisions of the City Council shall be mailed to appellant at the address the appellant lists on the notice of appeal.

5. There shall be no further administrative appeal beyond the City Council.

102.09 STORMWATER SERVICE CHARGES/FEES.

1. Stormwater service charges shall accrue on a monthly basis beginning April 1, 2019, and shall be billed periodically thereafter to customers, except as specific exemptions and credits may apply.

2. The following tiered rate stormwater utility standards shall apply:

A. Stormwater service charges are per land use classification as defined herein. The tiered charges shall be as follows:

(1) Residential service charge shall be \$1.00 per month.

(2) Non-residential service charge shall be \$6.00 per month.

B. Customer Classification. All property subject to stormwater utility charges shall be classified into one of the following customer classes: residential, non-residential, or undeveloped.

C. Residential. Each parcel with a single-family, duplex, or multi-family unit shall be billed as one (1) residential stormwater utility customer. Parcels that serve adjacent residential properties, such as driveways, garages or adjacent lots, are classified as one (1) residential parcel.

D. Non-Residential. Each developed non-residential parcel shall be billed as one (1) nonresidential stormwater utility customer.

E. Undeveloped. There shall be no charges imposed on parcels during the time period in which the parcels are undeveloped.

F. Lien for Nonpayment. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for the storm water utility service charges as provided herein, and remaining unpaid and delinquent shall constitute a lien upon the premises and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes as authorized by Iowa Code Section 384.84.

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