

**Title 13**  
**PUBLIC UTILITIES**

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## **Chapter 13.04 USER CHARGE SYSTEM<sup>1</sup>**

### **13.04.010 Purpose.**

The purpose of this chapter is to protect the health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

(Ord. 567 § 1 (part) 1986)

### **13.04.020 Definitions.**

For the purposes of this chapter the following terms are defined:

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<sup>1</sup> Prior ordinance history: Ords. 564, 170.

"BOD" (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees C, expressed in milligrams per liter (mg/l).

"NH3" (Ammonia nitrogen) means a compound of nitrogen in domestic wastewater.

"Normal domestic wastewater" means wastewater that has a BOD concentration of not more than three hundred mg/l, a suspended solids concentration of not more than three hundred fifty mg/l, and an ammonia nitrogen concentrate of not more than forty mg/l.

"Operation and maintenance" means all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

"Replacement" means expenditures for obtaining and installing equipment, and accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Residential contributor" means any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

"Shall" is mandatory; "may" is permissive.

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

"Treatment works" means any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land applications); or any other method of system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

"Useful life" means the estimated period during which a treatment works will be operated.

"User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

"Water meter" means a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

(Ord. 567 § 1 (part), 1986)

#### **13.04.030 User charge system.**

- (a) The user charge system shall generate adequate annual revenues to pay cost of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge

system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

- (b) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 13.04.040, shall be deposited in a separate nonlapsing fund known as the operation, maintenance and replacement fund and will be kept in two primary accounts as follows:
  - (1) An account designated for the specific purpose of defraying operation and maintenance costs of the treatment works (operation and maintenance account).
  - (2) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of thirty-four thousand dollars annually.
- (c) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(Ord. 567 § 1 (part), 1986)

#### **13.04.040 User charge.**

Each user shall pay for the service provided by the city based on use of the treatment works as determined by water meter(s) acceptable to the city.

- (a) For residential contributors, monthly user charges will be based on water usage during the current month. For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the use charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the city.
- (b) For residents of the city, the following user charges shall apply for use of wastewater treatment works:
  - (1) Effective July 1, 2022, the minimum charge per month shall be twenty-four dollars and fifty-five cents for the first two thousand gallons or lesser amount of water (or wastewater) usage. In addition, for all usage over two thousand gallons per month, each contributor shall pay a user charge rate for operation and maintenance (including replacement) of seven dollars and ten cents per month prorated for each additional one thousand gallons of water (or wastewater) as determined above.
  - (2) Effective July 1, 2024, the minimum charge per month shall be twenty-five dollars and five cents for the first two thousand gallons or lesser amount of water (or wastewater) usage. In addition, for all usage over two thousand gallons per month, each contributor shall pay a user charge rate for operation and maintenance (including replacement) of seven dollars and twenty-five cents per month prorated for each additional one thousand gallons of water (or wastewater) as determined above.

- (3) Effective July 1, 2026, the minimum charge per month shall be twenty-five dollars and fifty-six cents for the first two thousand gallons or lesser amount of water (or wastewater) usage. In addition, for all usage over two thousand gallons per month, each contributor shall pay a user charge rate for operation and maintenance (including replacement) of seven dollars and forty cents per month prorated for each additional one thousand gallons of water (or wastewater) as determined above.
- (4) For users located outside the corporate limits of the city, the user charge per month shall be one hundred fifty percent of the user charge for residents as provide in Subsection 13.04.040(b) above.
- (5) For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for the operation and maintenance, including replacement, is thirty cents per pound of BOD, fifteen cents per pound of SS, one dollar and ninety-five cents per pound of NH3.

(Ord. 845 § 2, 2008; Ord. 837 § 2, 2007; Ord. 791 § 2, 2002; Ord. 713 § 2, 1997; Ord. 667 § 2, 1993; Ord. 639 § 2, 1992; Ord. 567 § 1 (part), 1986)

(Ord. No. 851, § 2, 6-1-2009; Ord. No. 862, § 2, 10-3-2011; Ord. No. 865, § 2, 1-30-2012; Ord. No. 897, § 2, 10-21-2013; Ord. No. 907, § 2, 8-7-2017; Ord. No. 931, § 2, 5-16-2022)

#### **13.04.050 Billing period.**

All users shall be billed monthly. The billings for any particular month shall be made within thirty days after the end of that month. Payments are due when the billings are made. Any payment not received within thirty days after the billing is made shall be delinquent. All delinquent billings shall incur an additional ten percent late penalty. A delinquent user charge shall become a lien on the premises served by the utility upon certification to the county treasurer that the charges are due.

(Ord. 826 § 2, 2005)

#### **13.04.060 Review.**

The city will review the user charge system at least once each year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation, maintenance, replacement and debt retirement and that the system continues to provide for proportional distribution of such expenses among users.

(Ord. 567 § 1 (part), 1986)

#### **13.04.070 Notification.**

The city will notify annually, in conjunction with a regular monthly bill, of the rate being charged for operation, maintenance, debt retirement and replacement of the wastewater treatment plant.

(Ord. 567 § 1 (part), 1986)

#### **13.04.080 Collection of user charge.**

The waterworks department created under Chariton Municipal Code Section 13.16 of this title is authorized to collect on behalf of the city monthly user charges and late payment penalties for use of the city's wastewater

treatment works. The waterworks department shall forward to the city amounts received for bills and late penalties within fifteen days from the date of receipt.

(Ord. 826 § 3, 2005)

## **Chapter 13.08 SEWER REGULATIONS<sup>2</sup>**

### **13.08.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as follows:

- (1) "BOD" (Denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million by weight;
- (2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall;
- (3) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal;
- (4) "City" means the city of Chariton, Iowa;
- (5) "City manager" means the city manager of Chariton, or authorized representatives of this office as appointed or directed by the city manager or the city council;
- (6) "Combined sewer" means a sewer receiving both sewage and surface runoff intentionally admitted;
- (7) "Garbage" means solid wastes from the preparation, cooking and dispensing of food;
- (8) "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage;
- (9) "Lateral sanitary sewer" means that portion of a sanitary sewer into which drain building sewers only;
- (10) "Main sanitary sewer" means any sewer accommodating lateral and building sewers which carry sewage, and to which storm, surface, and ground waters are not intentionally admitted;
- (11) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water;
- (12) "Person" means any individual, firm, company, association, society, corporation, or group;
- (13) "pH" means the logarithm of the reciprocal of hydrogen ions in grams per liter of solution;
- (14) "Plumbing inspector" means the plumbing inspector of the city, as appointed by the city manager;
- (15) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension;
- (16) "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority, and shall include subsections (6), (17) and (22);

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<sup>2</sup> Prior ordinance history: Ords. 526, 510.

- (17) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted;
- (18) "Sewage" means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present;
- (19) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage;
- (20) "Sewage works" means all facilities for collections, pumping, treating, and disposing of sewage;
- (21) "Sewer" means a pipe or conduit for carrying sewage;
- (22) "Shall" is mandatory; "may" is permissive;
- (23) "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation;
- (24) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes any polluted wastes;
- (25) "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering;
- (26) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently;
- (27) "Y branch" means a short extension from a main or lateral sanitary sewer for the purpose of attaching a building sewer.

(Ord. 574 § 1 (part), 1986)

### **13.08.020 Sewer district.**

For the purpose of the construction and reconstruction of main sewers, lateral sewers, sewer outlets and disposal or purifying plants, the city shall be divided into the following sewer districts:

- (a) The original Chariton sewer district, which shall consist of the entire city except the area included in the Albia Road sewer district;
- (b) The Albia Road sewer district, which shall consist of the South 400 feet of the Southeast Quarter of the Northeast Quarter of Section 29, Township 72 North, Range 21 West of the 5th P.M. and the North 400 feet of the Northeast Quarter of the Southeast Quarter of Section 29, Township 72 North, Range 21 West of the 5th P.M., all in Lucas County, Iowa.

(Ord. 752 § 2 (part), 1999; Ord. 574 § 1 (part), 1986)

### **13.08.030 Plans and specifications.**

All main sewers, lateral sewers, sewer outlets or building sewers to be hereafter constructed or reconstructed shall be built according to Specification for Standard Sewer Construction on file and approved by the Iowa Department of Natural Resources or where applicable to the IAPMO Uniform Plumbing Code as adopted by Chapter 15.12. No deviation from the plans shall be made or allowed that will reduce the efficiency or capacity of the system, and no change whatever shall be made without a recommendation of the city manager, sanctioned by a three-fourths vote of the city council. Before any work is ordered constructed, the plans, details, and specifications and an estimate of the costs thereof shall be filed with the city clerk.

(Ord. 574 § 1 (part), 1986)

### **13.08.040 Procedure in construction of sewers.**

Whenever the council deems it advisable or necessary, upon its own motion or upon the petition of property owners, to construct or reconstruct any sewer, sewer outlet, sewage disposal or purifying plants, it is authorized, empowered and directed to proceed, and it shall proceed with such work and the payment therefor as provided, authorized, and directed by the laws of the state of Iowa.

(Ord. 574 § 1 (part), 1986)

### **13.08.050 Plat of sewers.**

A profile of all sewers in the city shall be kept in the city clerk's office, upon which shall be designated all intersection branches and connections therewith, and all Y's and T's in such a manner that the same be ascertained at all times in the future.

(Ord. 574 § 1 (part), 1986)

### **13.08.060 Use of public sewers required.**

- (a) It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon 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.
- (b) It is unlawful to discharge into any storm sewer, or into any natural outlet or watercourse within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes or other polluted waters except where established treatment has been provided in accordance with the subsequent provisions of this chapter.
- (c) Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- (d) The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purpose situated within the city, and which are within four hundred feet of where there is now located, or may in the future be located a public sanitary sewer of the city are required, at their expense, to install suitable toilet facilities therein, and to connect such facilities directly with the sanitary sewer within ninety days after date of official notice to do so.

(Ord. 574 § 1 (part), 1986)

### **13.08.070 Private sewers and sewage disposal.**

- (a) Any person desiring to lay a private sewer in the streets and alleys to connect with a main or lateral sanitary sewer must first obtain the consent of the city manager. The city manager shall determine the size of the sewer, but in no case shall the size of the sewer be less than eight inches in the clear diameter, and same shall be laid under the directions of the city manager.
- (b) Where a public sanitary sewer is not available under the provisions of Section 13.08.060(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.



- (c) Before commencement of the construction of a private sewage disposal system the owner shall first obtain written approval of the city manager. The applicant shall supply plans, specifications and other information as deemed necessary by the city manager.
- (d) Final approval of a sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city manager. He shall be allowed to inspect the work in any stage of construction, and in any event, the owner shall notify the city manager when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the city manager.
- (e) Final approval shall not be given by the city manager unless and until the owner has secured any and all required permits from the Iowa Department of Health and the Iowa Department of Natural Resources.
- (f) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Iowa Department of Health and Iowa Department of Natural Resources.
- (g) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 13.08.060(d), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, privies or privy vaults, and similar private sewage disposal facilities shall be abandoned and filled with a suitable material.
- (h) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.
- (i) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Iowa Department of Health or the Iowa Department of Natural Resources.

(Ord. 574 § 1 (part), 1986)

### **13.08.080 Building sewer and connections.**

- (a) No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any public main sewer, Y branch, lateral sanitary sewer, combined sewer or appurtenance thereof, without first obtaining a written permit from the city clerk.
- (b) The charge for making any connection with the city sewer or sewers is one hundred dollars per connection. In addition to the foregoing connection charge, the fee for the initial connection to the city sewer of any house, building, or property used for human occupancy, employment, recreation or other purpose situated within the Albia Road sewer district shall be eight thousand dollars. The connection fee is due and payable when a utility connection application is filed with the city; provided, that the fee may be paid in no more than ten annual installments including interest on the unpaid balance at the rate of seven percent per year accruing from the date of connection, with the first installment delinquent if not paid at the time of connection and the following nine installments delinquent if not paid on or before July 1st of each subsequent year; and provided further, that failure to pay any installment before it becomes delinquent shall result in the immediate acceleration of the unpaid balance without further notice. All connection fees shall be paid to the city treasurer, and the moneys collected as fees shall be used only for the purposes of operating the city sewers or to pay debt service on obligations issued to finance improvements or extensions to the city sewers.
- (c) No person or persons, company or corporation, shall be allowed to connect, either directly or indirectly, through some other person's sewer without written approval from the other party involved and permission of the council.

- (d) Any person desiring to make connection with any of the public sewers shall first file with the city an application therefor setting out the location and description of the property wherein the sewer or drain is to be located and for what purpose the sewer or drain is to be used. Upon approval of the application the city clerk shall issue a permit to tap the sewer as contemplated in the application.
- (e) It is unlawful to make, or cause to be made any excavation in the streets, alleys or public grounds for the purpose of connecting with any public sewer without first obtaining a permit for the same.
- (f) The city clerk shall keep a permanent record of all applications received and permits granted, and such other pertinent information in relation thereto as shall, in their judgment, be of value.
- (g) All cost and expenses incident to the installation and connection of any building sewer and building drain shall be borne by the owner.
- (h) The applicant for a connection permit shall notify the city manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city manager, or his authorized representative, and shall be at the location as designed by the manager or his representative.
- (i) The city manager shall have full power to revoke and cancel any permit as herein provided when in his opinion the parties to whom the permit is granted shall have violated any of the requirements of this chapter or shall have failed to conform to the orders, rules and regulations of the Iowa Department of Health, the Iowa Department of Natural Resources or any of the ordinances of the city.
- (j) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to at least their condition before the commencement of the construction work.
- (k) It is unlawful to tap any public sewer at any other place than at the regular junction built into the sewer for that purpose. The location of the tap shall be designated by the manager or his authorized representative and no other location shall be used without first obtaining permission from the manager or his authorized representative.
- (l) All building sewers hereafter constructed within the city shall be a minimum of four inches in diameter and shall be constructed of material as approved by the IAPMO Uniform Plumbing Code and the Chariton Municipal Code.

(Ord. 752 § 2 (part), 1999; Ord. 708 § 2, 1996; Ord. 574 § 1 (part), 1986)

### **13.08.090 Use of public sewers.**

- (a) No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (b) Stormwater and all other unpolluted drainage waters shall be discharged to such sewers as are specifically designated storm sewers, or to an outlet approved by the city manager.
- (c) When required by the city manager, the owner of any property served 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 city manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- (d) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
  - (2) Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;
  - (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - (4) Any garbage, that has not been properly shredded;
  - (5) Any ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
  - (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
  - (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, to create any hazard in the receiving waters of the sewage treatment plant;
  - (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
  - (9) Any noxious or malodorous gas or substance capable of creating a public nuisance;
  - (10) Material which expert or cause excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - (11) Any waters or wastes containing substances which are not amenable to treatment or reduction by 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.
- (e) Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity such that they will effectively block all objectionable material from entering the sewer, and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be installed in all garages or other establishments in which automobiles are cleaned or repaired or where oil, gasoline, or grease are kept or handled in such a way that they can flow into the sewer.
- Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- (f) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense in continuously efficient operation at all times.
- (g) Any connection with any sewer wherein such interceptor is not placed by any garage or other establishment in which garage or establishment automobiles are cleaned or repaired or where oils, gasoline or grease are

kept or handled in such a way that they can flow into the sewer is a nuisance and it shall be the duty of the manager of the city to abate the nuisance by causing the same to be disconnected.

- (h) The admission into the public sewers of any waters or wastes:
  - (1) Having a five-day biochemical oxygen demand greater than three hundred parts per million, or
  - (2) Containing more than three hundred fifty parts per million by weight of suspended solids, or
  - (3) Containing any quantity of substances having the characteristics described in subsection (d) of this section, or
  - (4) Having an average flow greater than two percent of the average daily sewage flow of the city, shall be subject to the review and approval of the city manager and city council.
- (i) Where necessary in the opinion of the city manager, the wastes may have a deleterious effect upon the sewage works the city manager may reject the wastes or the owner shall provide, at his expense such preliminary treatment as may be necessary to:
  - (1) Reduce the biochemical oxygen demand to three hundred parts per million,
  - (2) Reduce the suspended solids to three hundred fifty parts per million by weight, or
  - (3) Reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (d) of this section, or
  - (4) Control the quantities and rates of discharge of such waters and wastes.
- (j) The owner shall provide a method to stop any flow from the preliminary treatment facility when it is found that the required preliminary treatment has not met these standards. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city manager and of the Department of Natural Resources of the state, and no construction of such facilities shall be commenced until the approvals are obtained in writing.
- (k) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
- (l) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsections (d) and (h) of this section shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in subsection (c) of this section or upon suitable samples taken at the 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.
- (m) No statement contained in the chapter shall be construed as preventing any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

(Ord. 574 § 1 (part), 1986)

### **13.08.100 Protection from damage.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewer works.

(Ord. 574 § 1 (part), 1986)

### **13.08.110 Public sewer outside the corporate limits.**

The following provisions shall apply to public sewer outside the corporate limits of the City of Chariton, Iowa.

- (1) As provided in this chapter, the city is responsible for the management, maintenance, repair and replacement of public sewer (as defined in Section 13.08.010(16)) outside the corporate limits. The city shall maintain a map of public sewer located outside the corporate limits of the city.
- (2) No new public sewer shall be constructed outside the corporate limits of the city, except as necessary to provide connection to the sewage treatment plant (as defined in Section 13.08.010(19)).
- (3) No new connection to the public sewer shall be permitted more than two miles from the corporate limits.
- (4) No new connection to the public sewer shall be permitted from a building drain as defined in Section 13.08.010(2) (more than three hundred feet from the public sewer).
- (5) No connection to the public sewer may be made from a building drain on real estate contiguous to the corporate limits unless the real estate is voluntarily annexed into the city prior to the time of connection.
- (6) The connection fee for any new connection to the public sewer outside the corporate limits shall be ten thousand dollars per connection. The connection fee shall be due and payable as provided in Section 13.08.080.
- (7) Any person making a connection to the public sewer outside the corporate limits shall be responsible for all construction expenses for the connection, and shall be responsible for all future maintenance and repair of the private sewer system to the point of connection with the public sewer.

(Ord. No. 897, § 3, 10-21-2013)

## **Chapter 13.12 UTILITIES CONNECTIONS**

### **13.12.010 When made.**

If permanent improvements are to be made to a street and the city council deems it advisable to have connections for sewer, water, gas, electricity or other underground utilities made before such permanent improvement is constructed, it may require the owners of property on such street to make necessary utility connections to service the adjoining property from the utility line to the curblin adjacent to the property, by following the procedure set out in this chapter.

(Ord. 210 § 1, 1960)

### **13.12.020 Resolution for required connection.**

The city council shall by resolution require the property owners to have connections for utilities made before the permanent street improvement is constructed in accordance with plans and specifications filed in the office of the city clerk and under the supervision of the city manager or his representative.

(Ord. 210 § 2, 1960)

### **13.12.030 Notice of resolution.**

The property owners shall be notified of such resolution either by certified mail or personal service, which notice shall give the property owner at least two weeks from the service of the notice to complete the connections as required by resolution.

(Ord. 210 § 3, 1960)

### **13.12.040 Failure to connect—Connection by council—Assessment of cost.**

If the owners of the property receiving such notice fail to make the required connections in the manner and within the time fixed by the council in the resolution and notice, it may cause the same to be made and assess the cost thereof against the property for which they are made.

(Ord. 210 § 4, 1960)

## **Chapter 13.16 WATER SYSTEM**

### **13.16.010 Established.**

By the city council for the purpose of regulation and operating the system of water works owned by the municipality, a department of the municipal government, is established to be dominated by the water works department. By decision of the voters at regular election November, 1953, the department was placed under control of a board of trustees, beginning January 1, 1954.

(Ord. 393, § 1(1), 10-17-2011)

### **13.16.020 Definitions.**

- (a) "Distribution system" means all mains, valves, risers, manholes, hydrants, pipes, etc., for delivery of water to the customer's premises.
- (b) "Meters" means any mechanical or electrical, wire, notch or other device for determining volume, rate or pressure of water consumed.
- (c) "Reservoirs" means all water storage facilities whether natural, impounded, ground, underground or other for the purpose of water reserve.
- (d) "Residence" means a single family home or dwelling.
- (e) "Service lines" means valves, pipes, riser boxes, corporation cocks and any other appurtenant parts to the customer's point of discharge.
- (f) "Towers" means all towers, standpipes, etc., for storage of water under head.
- (g) "Treatment plant" means all buildings, machinery, pumps and other apparatus for treatment and pressure control in the system.
- (h) "Water works system" includes wells, reservoirs, towers, treatment plants, booster stations, mains, service lines, valves, riser boxes, meters, machinery and other apparatus and requisites of the department.
- (i) "Wells" means any bored, drilled or dug wells, such as galleries or other means of collection as a source of raw supply.

(Ord. 393 § 1(2), 1974)

(Ord. No. 887, § 2, 2-4-2013)

**13.16.030 Water connection.**

- (a) Permits. Every person, firm or corporation who desires their premises to be served by connecting to the water works system shall make application for a permit to connect as provided by ordinances of the city.
- (b) Charges. Every applicant for a water connection permit shall pay a water connection fee according to the size and type of service desired. The charges to be set by the water board.
- (c) Deposits. Every firm or corporation connected to the system shall pay a sum commensurate with the probable volume to be consumed as security for payment of account before water will be turned on for other than testing purposes.

(Ord. 393 § 2, 1974)

**13.16.040 Water charges.**

- (a) Charges. Every person, firm or corporation whose premises now or hereafter are directly or indirectly served by a connection to the water works system shall pay rates or fees to the water department for such service as provided by ordinances of the city.
- (b) Penalty. If water charges are not paid by the applicable due date, a penalty on charges will be assessed. Furthermore, if the charges are not paid within a reasonable time, service will be suspended.
- (c) Reinstated Suspended Service. Suspended water service will be reinstated upon payment of a reconnection fee, plus any delinquent water bills and penalties.
- (d) Defective Meter. In the event a water meter does not register properly, the water charges shall be based upon the past six month's average consumption or minimum if less than six month's record is available.

(Ord. 393 § 3, 1974)

**13.16.050 Meters.**

- (a) Meters. Water consumed shall be measured by a water meter furnished and approved by the water department and installed not later than time of occupancy of the premises.
- (b) Separate Service. Each individual dwelling, commercial or industrial premises shall be served by a separate water meter, except as hereinafter provided as multiple service.
- (c) Multiple Dwellings. Multiple dwellings and commercial and industrial establishments may be served by a single meter by special permission of the water authorities. There shall be a minimum charge multiplied by the number of dwellings or units. The minimum quantity of water multiplied by the number of dwellings or units will be allowed. All additional water will be charged at the regular rate.
- (d) Location. All meters shall be located so as to be readily accessible for reading and inspection. All new dwellings shall have remote reading devices.
- (e) Return Card. In the event the meter reader is unable to gain access, he shall leave a card for the consumer to mark the reading and return to the water office within two days from the time it was left at the dwelling.
- (f) Inaccessible. In the event the meter reader is unable to gain access to the premises for three consecutive reading periods, service will be suspended until such time as a remote reader is installed, installation charges to be paid by the consumer.

- (g) No Removal. No person other than water department personnel shall interfere with a water meter setting, except plumbing contractors by special permission.

(Ord. 393 § 4, 1974)

**13.16.060 Services.**

- (a) Cost. Each applicant for a connection to the water works system shall pay the cost of installation from the water meter to the water main, which shall include the lateral service line, stop box and other equipment therein.
- (b) Size. Service lines from the main to the customer's premises shall be of approved materials and installed to the specifications and size approved by the water board of trustees.
- (c) Service to Residence. Each residence shall be served by a separate service line with a separate curb stop and water meter.

(Ord. 393 § 5, 1974)

(Ord. No. 887, § 3, 2-4-2013)

**13.16.070 Water supply.**

- (a) Not Guaranteed. The water department does not guarantee a constant supply of water to any consumer and shall not be liable for damages for failure to supply the same.
- (b) Emergency. The water department may limit the use of water in the event of an emergency wherein the supply of water is limited or needed to meet the emergency.
- (c) Unlawful Use. No person shall injure, destroy, deface or disturb any portion of the water works system, nor shall any person interfere with or obstruct the water supply.

(Ord. 393 § 6, 1974)

**13.16.080 Distribution system.**

Plans and Specifications. All mains, valves, hydrants and appurtenant parts of the distribution system shall meet the specifications and approval of all governing bodies concerned.

(Ord. 393 § 7, 1974)

**13.16.090 Water rates.**

- (a) As long as any of the water revenue bonds heretofore issued by the city are outstanding, the minimum rates and charges for the facilities and services afforded by the municipal water works system shall be as follows:

**Inside City Rates**

Per Quarter

For the first 6,000 gallons or less	\$7.90
For the next 6,000 gallons per thousand	1.10
For the next 12,000 gallons per thousand	1.00
For the next 12,000 gallons per thousand	.90
All over 36,000 gallons per thousand	.80



**Outside City Rates**

Per Quarter

For the first 6,000 gallons or less	\$9.10
For all over 6,000 gallons per thousand	1.15

- (b) The foregoing schedule of minimum rates and charges shall be revised from time to time to be sufficient at all times after making due and reasonable allowances for contingencies, and for a margin of error in the estimates to pay the interest and principal of the water revenue bonds heretofore issued by the city from time to time outstanding as such interest and principal become due and payable, and to pay all current expenses of operation, maintenance, and repair of the water works system and to comply in all respects with the terms of the resolution pursuant to which the bonds were issued, and to meet any other obligations of the city which are charges, liens, or encumbrances, upon the revenues of the municipal water works system.

(Ord. No. 393, § 8 (part), 1974)

**13.16.100 Special rates.**

The board is granted authority to set special rates for certain customers whose consumption of water is unusual in periodic demand, irregular usage, delivery point, amount used, or pressure of delivery. The rate charged these customers will be determined by amount consumed and special circumstances. The rates and charges, as aforesaid, shall be paid by the city and by all citizens, corporations, or other customers for services through the municipal water works system.

(Ord. No. 393, § 9, 1974)

**13.16.110 Curb stops for water utility service.**

- (a) The property owner connected to the waterworks system by a service line shall be responsible for the installation, maintenance and repair of the curb stop.
- (b) Should the owner of any property connected to the waterworks system by a service line fail to maintain the curb stop required of this section, the city waterworks shall provide twenty days written notice to the property owner to repair or replace the same. Said notice shall be by certified mail.

If the curb stop is not repaired or replaced within twenty days from the date of said notice, the city waterworks may replace the curb stop and assess the charges as associated therewith pursuant to Section 13.18.040.

(Ord. No. 797, § 2 (part), 2002)

**13.16.120 Utility board members—Municipal Waterworks Department.**

The utility board for the Municipal Water Works Department shall consist of five members who are residents of the city.

(Ord. No. 863, § 2, 10-17-2011; Ord. No. 904, § 2, 11-21-2016)

## **Chapter 13.18 LIEN FOR NONPAYMENT OF UTILITY SERVICES**

### **13.18.010 Lien for nonpayment.**

The owner of any premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer and water utility service charges to the premises. Sewer and water utility service charges remaining unpaid and delinquent shall constitute a lien on the premises served and shall be certified by the city clerk to the county treasurer for collection in the same manner as special assessments. A fee of five dollars shall be added to the delinquent amount by the city clerk for the city's expense in certifying such delinquency to the county treasurer.

(Ord. 783 § 2 (part), 2001)

### **13.18.020 Lien exemption.**

The lien for nonpayment shall not apply to residential rental properties where sewer and water service is separately metered and the charges therefore are paid directly by the tenant, providing the landlord has given written notice to the water department that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety days of water service is paid to the water department. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of occupancy and the date of occupancy. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the water department shall refund the deposit if the water service charges are paid in full and the lien exemption shall be lifted from the rental property. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Ord. 783 § 2 (part), 2001)

### **13.18.030 Landlord notice.**

The water department shall have notice of exemption forms to be completed by landlords available to the public during normal business hours. A person may file an exemption form as set forth in Section 13.18.020 by delivering it to the water department or by mailing it to the water department. An exemption form is deemed filed upon receipt by the water department. Upon receipt of an exemption form, the water department shall date stamp the form and return a date stamped copy to the landlord within five business days from the date of the receipt.

(Ord. 783 § 2 (part), 2001)

### **13.18.040 Delinquency and lien notices.**

A lien for delinquent sewer and water service charges shall not be certified to the county treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than ten days prior to certification of the lien to the county treasurer.

(Ord. 783 § 2 (part), 2001)

## **Chapter 13.20 STORM AND SURFACE WATER DRAINAGE SYSTEM**

### **Sections:**

### **13.20.010 Purpose.**

The purpose of this chapter is to establish a storm and surface water drainage system district utility and to provide a means of funding the construction, operation, and maintenance of stormwater management facilities including, but not limited to, detention and retention basins, stormwater sewers, inlets, ditches and drains, and cleaning of streets. The council finds that the construction, operation and maintenance of the city's storm and surface water drainage system should be funded by contributors to the public wastewater treatment works as described in Chapter 13.04 of the Chariton Municipal Code. The council further finds that the contributors to the public wastewater treatment works are all contributors to the storm and surface water drainage system.

(Ord. No. 866, § 2, 2-6-2012)

### **13.20.020 Definitions.**

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

- (1) "Nonresidential contributor" means all properties that are subject to user charges under Chapter 13.04 of the Chariton Municipal Code and that are not residential contributors.
- (2) "Residential contributors" means all single-family and duplex properties within the city that are subject to user charges under Chapter 13.04 of the Chariton Municipal Code.
- (3) "Storm and surface water drainage system" means publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water system within the city, to which sanitary sewage flows are not intentionally admitted.

(Ord. No. 866, § 2, 2-6-2012)

### **13.20.030 Storm and surface water drainage system district established.**

Pursuant to the authority of Section 384.84(6) of the Code of Iowa, the entire city is hereby declared a storm and surface water drainage system district for the purpose of establishing, imposing, adjusting and providing for the collection of charges for the operation and maintenance of the storm and surface water drainage system. The entire city, as increased from time to time by annexation, shall constitute a single storm and surface water drainage system district.

(Ord. No. 866, § 2, 2-6-2012)

### **13.20.040 User charges.**

User charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension and replacement of the city's storm and surface water drainage system. Each user shall pay for the storm and surface water drainage system provided by the city as follows:

- (1) For residential contributors, the charge shall be two dollars and fifty cents per month.
- (2) For nonresidential contributors, the charge shall be six dollars per month.

(Ord. No. 866, § 2, 2-6-2012)

**13.20.050 Payment of charges.**

All stormwater drainage system district charges shall be due and payable under the same terms and conditions provided for payment of user charges as contained in Section 13.04.050 of the Municipal Code. All unpaid charges shall become a lien on property as provided in Chapter 13.18 of the Chariton Municipal Code.

(Ord. No. 866, § 2, 2-6-2012)