

**Marshall County
ORDINANCE #36**

GREEN MOUNTAIN SEWER USE

AN ORDINANCE REGULATING THE USE OF PUBLIC WASTEWATER, PUBLIC SEWER, BUILDING SEWERS AND BUILDING DRAINS, ONSITE SYSTEMS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC WASTEWATER FACILITIES AND SYSTEM OWNED AND OPERATED BY IOWA REGIONAL UTILITIES ASSOCIATION (HEREINAFTER "THE ASSOCIATION") IN THE SERVICE AREA (AS THAT TERM IS HEREINAFTER DESCRIBED) WHICH SERVES THE UNINCORPORATED COMMUNITY OF GREEN MOUNTAIN IN MARSHALL COUNTY, IOWA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

In order to protect the public health and safety of all residents of the County and particularly those in the Service Area (as that term is hereinafter defined) be it ordained and enacted by the Board of Supervisors of Marshall County, State of Iowa as follows:

ARTICLE 1

(Definitions)

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

Sec. 1. The Association is the owner of the Sewage Works.

Sec. 2. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

Sec. 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from Sewage pipes inside the walls of the building and conveys it outside the walls of the building to the Building Sewer.

Sec. 4. "Building Sewer" shall mean that part of the lowest horizontal pipe which begins outside of the wall of a building and connects the Building Drain with the Public Sewer or other disposal terminal.

Sec. 5. "Combined Sewer" shall mean a sewer receiving both surface runoff and Sewage.

Sec. 6. "County" shall mean Marshall County, Iowa or its authorized deputy, agent, or representative.

Sec. 7. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 8. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from Sewage.

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

Sec. 10. "Person" shall mean any individual, firm, company, association, society, corporation, tenant, property owner, or group.

Sec. 11. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 12. "Private Sewer" shall mean a building Sewer Line.

Sec. 13. "Private Sewage / Septic / Wastewater Systems" shall mean all systems which accept and / or treat and / or dispose of wastewater from four (4) or fewer dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.

Sec. 14. "Project Completion" shall be deemed the date that all actions and undertakings necessary and incidental to plan, design, establish, install, construct, place in service and otherwise provide, operate and maintain Sewage Works within the Service Area are substantially completed.

Sec. 15. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch in any dimension.

Sec. 16. "Public Sewer" shall mean the Sewage Works.

Sec. 17. "Sanitary Sewer" shall mean a pipeline which carries Sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sec. 18. "Service Area" shall mean the portion of the unincorporated areas in the County generally known as Green Mountain and served by the Public Sewer owned and operated by the Association and as more particularly identified on attachment A; provided that the Service Area shall also include such additional areas as in the future are served by the Public Sewer owned and operated by the Association which also serves the unincorporated areas of the County known as Green Mountain.

Sec. 19. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments from toilets, sinks, kitchen, bath, shower, and laundry facilities. "Sewage" and "wastewater" are synonymous

Sec. 20. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating Sewage.

Sec. 21. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of Sewage, owned and operated by the Association in the Service Area. "Sewage Works" is synonymous with "Wastewater Facilities" and with "System" as those terms are defined in one certain 28E agreement between the County and the Association regarding the establishment of a Sewage Works in the Service Area.

Sec. 22. "Sewer" shall mean a pipe or conduit for carrying Sewage.

Sec. 23. "Shall" is mandatory; "May" is permissive.

Sec. 24. "Slug" shall mean any discharge of water, Sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration

longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec. 25. "Storm Drain" (sometimes termed "storm sewer") shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes other than unpolluted cooling water.

Sec. 26. "Superintendent" shall mean the authorized deputies, agents or representatives of the Association.

Sec. 27. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, Sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 28. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Use of Public Sewers in the Service Area Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner on public or private property within the Service Area any Sewage except in the Public Sewer.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the Service Area any Sewage or other polluted waters.

Sec. 3. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of Sewage in the Service Area other than the Public Sewer owned and operated by the Association.

Sec. 4. A Person that owns any houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Service Area shall close and abandon their Private Sewage / Septic / Wastewater Systems and connect their properties to the Public Sewer being constructed by the Association in the Service Area as soon as reasonably possible of a sewer main being available to serve the Person's property; and in all events prior to Project Completion, whichever first occurs; provided further that if the Service Area is later expanded (hereinafter referred to as the Expanded Service Area) by the extension of the Public Sewer outside of the Service Area, then a Person that owns any houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Expanded Service Area shall close and abandon their Private Sewage / Septic / Wastewater Systems and connect their properties to the Public Sewer being constructed by the Association as soon as reasonably possible of a sewer main being available to serve the Person's property. A sewer main shall be deemed available in the Service Area and in any Expanded Service Area if it is located within two hundred (200) feet of the property line of the Property Owner's property.

Sec. 5. A Person that owns any houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Service Area shall not use their well to provide water to any house, building or property connected to the Public Sewer in the Service Area and shall disconnect their well therefrom and shall connect such house, building or property that is connected to the Public Sewer in the Service Area to water supplied by a licensed public water supply system of the state of Iowa in the Service Area as soon as reasonably possible of a sewer main being available to serve the Person's property; and in all events prior to

Project Completion, whichever first occurs. A sewer main shall be deemed available in the Service Area and in any Expanded Service Area if it is located within two hundred (200) feet of the property line of the Property Owner's property.

ARTICLE III

Building Sewers and Connections

Sec. 1. Specific Requirements:

- a. Rain Water Leaders: Roof leaders, surface drains, or ground water drains shall not be connected to the Sanitary Sewer.
- b. Connection to the Pubic Sewer: Before any connection is made to a Public Sewer, an approved permit for such connection must be obtained from the Superintendent.
- c. Water softener recharge water may not be connected to the Building Sewer.

Sec. 2. Supervision. The Superintendent shall supervise all building sewers, connections, and excavations for the purpose of installing or repairing the same.

Sec. 3. Specifications:

- a. Material: Building Sewers shall be constructed of materials approved by the Superintendent.

Sec. 4. Inspection. Each and every part of the Building Sewer shall be inspected and approved by the Superintendent before being concealed or backfilled.

ARTICLE IV

Use of Sanitary Sewers

Sec. 1. No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the Wastes as discharged to the Public Sewer.
- c. 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.
- d. 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 Sewage Works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, un-ground garbage, whole blood,

paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. , either whole or ground by garbage grinders.

- e. Any waters or Wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 10 percent of the average Sewage flow of the Service Area, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the Person shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or Wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary Treatment Facilities shall be submitted for the approval of the Superintendent and no construction of such Facilities shall be commenced until said approvals are obtained in writing.

Sec. 2. 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 his 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 prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degrees C).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor greater than 1-horsepower shall be subject to the review and approval of the Superintendent.
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage Treatment Works exceeds the limits established by the Superintendent for such materials.
- f. Any waters or Wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite Sewage, to meet the

requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h. Any waters or wastes having a pH in excess of 9.5.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage Treatment Works.
 - (4) Unusual volume of flow or concentration of Wastes constituting "slugs" as defined herein.
- j. Waters or Wastes containing substance which are not amenable to treatment or reduction by the Sewage treatment processes employed, or are amenable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 3. 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 4 of this Article 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:

- a. Reject the Wastes,
- b. Require pretreatment to an acceptable condition for discharge to the Public Sewers,
- c. Require control over the quantities and rates of discharge,
- d. Require payment to cover the added cost of handling and treating the Wastes not covered by the Sewer charges, and/or
- e. Other agreed upon method.

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.

Sec. 4. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid Wastes containing grease in excessive amounts, or any flammable Wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All

interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspections.

Sec. 5. Where preliminary treatment or flow-equalizing facilities are provided for any waters or Wastes, the Person controlling the preliminary treatment or flow-equalizing facility shall maintain it in continuous and satisfactory operations at the time Person's expense.

Sec. 6. When required by the Superintendent, a Person who is 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 measurements 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 Person who is the owner of said property at his / her / their expense, and shall be maintained by the Person who is the owner of the property so as to be safe and accessible at all times.

Sec. 7. All measurements, tests, and analyses of the characteristics of waters and Wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pHs are determined from periodic grab samples.)

Sec. 8. No statement contained in this article shall be construed as preventing any special agreement or arrangement between Superintendent and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Superintendent for treatment, subject to payment therefore, by the industrial concern.

ARTICLE V

Protection from Damage

Sec. 1. No unauthorized Person shall intentionally, maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Works.

ARTICLE VI

Powers and Authority of Superintendent

Sec. 1. The Superintendent bearing proper credentials and identification shall be permitted to enter all properties within the Service Area for the purpose of inspection, observation, measurement, sampling, and testing necessary and incidental to the operation of the Sewage Works in accordance with the provisions of this ordinance. The Superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic,

paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the Public Sewers or waterways.

Sec. 2. While performing the necessary work on private properties referred to herein, the Superintendent shall observe all written safety rules applicable to the property established (and on file with the Association prior to the Superintendent performing any such work on private properties) by the Person who is the owner of the property and the Person who is the owner of the property shall be held harmless for injury or death to the Superintendent and from all other claims for personal injury or property damage resulting from a violation of said written safety rules or resulting from the negligent act of the Superintendent.

Sec. 3. The Superintendent bearing proper credentials and identification shall be permitted to enter all private properties through which the Association 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.

ARTICLE VII

Infractions

Sec. 1. Any violation of this ordinance, except a violation of Article VIII - Section 1, shall be a County infraction punishable by a civil penalty of not more than seven hundred fifty dollars (\$750. 00) for the first infraction and a civil penalty of not more than one thousand dollars (\$1,000. 00) for each repeat offense.

Sec. 2. In addition to the civil penalty provided in Section 1 of this Article, the County may seek any relief available to it under Iowa Code to assure the abatement or correction of any violation of this ordinance.

Sec. 3. Any Person violating any of the provisions of this ordinance shall become liable to the County for any expense, loss or damage occasioned the County by reason of such violation.

ARTICLE VIII

Misdemeanor Penalties

Sec. 1. Any Person found to have maliciously, willfully, or intentionally damaged, destroyed, uncovered, defaced, or tampered with the Sewage Works shall be guilty of a criminal violation of the code of Iowa, and on conviction shall be fined in an amount, as authorized by the code of Iowa.

ARTICLE IX

Repealer

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X

Ordinance in Force

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law. Notice of the public hearing was published in the Times Republican newspaper, Marshalltown, Iowa on April 19, 2019 and Mid Iowa Enterprise newspaper, State Center, Iowa on April 25, 2019.

Sec. 2. Passed and adopted by Marshall County, State of Iowa on the 30th day of April, 2019

Motion by Thompson, second by Patten to adopt Resolution #2019-0024, Third and Final Reading and Adoption of Proposed Ordinance #36, An Ordinance Regulating the Use of Public Wastewater, Public Sewer, Building Sewers and Building Drains, Onsite Systems, Private Sewage Disposal, the Installation and Connection of Building Sewers and the Discharge of Waters and Wastes into the Public Wastewater Facilities and System Owned and Operated by Iowa Regional Utilities Association (Hereinafter “the Association”) in the Service Area (as that term is Hereinafter Described) Which Serves the Unincorporated Community of Green Mountain in Marshall County, Iowa, and Providing Penalties for Violations Thereof.

Roll call vote:	Salasek-Aye	Thompson-Aye	Patten-Aye
	Chairman	Vice Chairman	Member

Attest:

Steve Salasek
Board of Supervisors, Chairman

Nan Benson
Marshall County
Auditor and Recorder

History:

Adopted April 30, 2019. Recorded Instrument No. 2019-00002538