

## CHAPTER 15

### SANITARY SEWER USE, CONTROL, AND CHARGE ORDINANCE

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#### 15.1 PURPOSE OF ORDINANCE

It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety and welfare and convenience of Polk County to provide a County sanitary sewer system for certain unincorporated areas of Polk County and to provide for the regulated use and strict control of such system. It is further determined and declared to be necessary to levy and collect fees, assessments, and charges from parcels and buildings directly connected, applying to connect, or are required to connect to the County sanitary sewer system for the operation, construction, maintenance, repair, replacement, supervision, and management of such County sanitary sewer system owned by Polk County.

#### 15.2 DEFINITIONS

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this ordinance have the meaning in this section:

1. "Administrator": the designee, by resolution of the Polk County Board of Supervisors, who is responsible to said Board for the management and administration of the County sanitary sewer system.
2. "B.O.D." (denoting Biochemical Oxygen Demand): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or parts per million.
3. "Building drain": that part of the lowest piping of a drainage system which receives the

discharge from soil, waste or other drainage pipes inside the walls of the building and which conveys it to the building sewer beginning two (2) feet (.6m) outside the building wall.

4. "Building sewer": that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain or drains and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.
5. "Collection Agent": the Polk County Director of Public Works, or such other designee of the Polk County Board of Supervisors named by contract or by resolution.
6. "Common sewer": any sanitary sewer used by more than one contributor for the conveyance of sewage.
7. "Connection": any link, wye, tee, sleeve, or other connection made to the County sanitary sewer system.
8. "Contributor": any person, property owner, or tenant responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the County sanitary sewer system.
9. "County sanitary sewer service area": the geographical area of Polk County that is served, or intended to be served, by Polk County as defined in the Wastewater Reclamation Authority Facility Plan.
10. "County": shall mean Polk County, Iowa.
11. "County sanitary sewer system": all public facilities owned, operated, maintained or otherwise directly controlled by Polk County including, but not limited to, sewage collection mains, interceptor mains, storage systems, pumping or lift stations, metering devices, buildings, or such other equipment, devices, or facilities and their appurtenances as may be required to operate, maintain, administer and otherwise provide a wastewater collection system.
12. "County sanitary sewer system cost": those expenses to be paid by Polk County associated with the design, construction, operation, maintenance, replacement, repair, debt retirement, and administration of the County sanitary sewer system.
13. "Industrial wastes": the liquid wastes from industrial manufacturing processes, trade or business as distinct from residential sewage.
14. "Inspector": the person duly authorized by the Administrator to inspect and approve the installation of building sewers and their connections to the County sanitary sewer system;

and to inspect such sewage as may be discharged therefrom.

15. "Natural outlet": any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
16. "Operation and maintenance": shall include, but not be limited to, all design, labor, materials, supplies, repairs, replacements, administration and all other efforts required to manage, utilize and preserve the County sanitary sewer system.
17. "Private sewer": a building sewer which receives the discharge from more than one (1) building drain and conveys it to a public sewer, private sewer disposal system or other point of disposal.
18. "Public sewer": a common sewer directly owned by Polk County.
19. "Repair and Replacement": expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the County sanitary sewer system to repair and maintain the capacity and performance as such system.
20. "Sanitary sewage": 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.
21. "Sanitary sewer": a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
22. "Sanitary sewer service": the selling, leasing, renting, or otherwise providing to contributors the use or connection to public or common sewers for the conveyance of sewage.
23. "Sewage": any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
24. "Sewer": a pipe or conduit for carrying sewage.
25. "Sewer Available". shall mean public sewer is available when located within 300 feet from an existing or proposed buildings, or property line.
26. "Sewer Charge System": any and all charges, rates, fees, or rentals levied against and payable by contributors, including but not limited to, permit fees, service stub fees, availability charges, user charges, pretreatments fees, construction fees, connection fees, acreage fees, frontage fees, and other fees as established by Polk County ordinance or policy, as consideration for the administration, operation, maintenance, repair, replacement, and servicing of the County sanitary sewer system.

27. "Shall or may": "shall" is mandatory, "may" is permissive.
28. "Storm drain" or "storm sewer": a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
29. "SUDAS": Iowa Statewide Urban Design and Specifications
30. "Suspended solids": 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.
31. "Useful life": the estimated period during which the County sanitary sewer system will be operated.
32. "Waste meter": a wastewater measuring and recording device, furnished and installed by a contributor and approved by Polk County.
33. "WRA": Wastewater Reclamation Authority as defined by the Wastewater Reclamation Authority Facility Plan.

### **15.3 APPLICABILITY**

1. Limit of application. This ordinance shall apply only to the County sanitary sewer system owned by Polk County and to those service areas served or intended to be served by the County sanitary system in accordance within the WRA Facility Plan.

### **15.4 SEWER FLOW LIMITATIONS**

1. Prohibited discharge rates. No contributor shall discharge or cause to be discharged any waters or wastes to the County sanitary sewer system in excess of any discharge rate which may be listed on the contributor's sewer connection permit.

a. Required payment for discharge of waters or wastes in excess of the discharge rate on the contributor's sewer connection permit shall be as per Subsection 15.11(4).

b. Any contributor found to be in violation of this section shall, upon written notice from the Administrator, take immediate action to halt discharges in excess of the discharge rate listed on the contributor's sewer connection permit.

### **15.5 SEWER CONNECTION REQUIRED**

1. Sewer connection required. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the County sanitary sewer service area, and where public sewer is available, shall install suitable toilet facilities and a connection to the public sewer the owner's expense. This shall be completed

within sixty (60) days after date of official notice from the County.

2. Private sewer system, exception to. Where a public sewer is not available under the provisions of Section 15.5(1), the building sewer shall be connected to a private sewage system complying with the provisions of Section 15.7(2).

## **15.6 USE, RESTRICTIONS, AND CONTROL OF PUBLIC SEWERS**

### 1. Restrictions.

a. Existing sewer. No person or entity shall own or operate any public or common sewer within the County sanitary sewer service area. No person or entity shall maintain, repair, or replace any public or common sewers within the County sanitary sewer service area without written approval from the County.

b. Extensions. A person or entity may request permission, at their own expense, to construct or extend public or common sewers within the County sanitary sewer service area. Such application or request shall be reviewed by the County and any permissions would be executed through a Development Agreement between the County and the person or entity.

c. Service. No person or entity shall grant or permit sanitary sewer service or connections within the County sanitary sewer service area. No person or entity shall offer, provide, accept, or obtain sanitary sewer service in the County sanitary sewer service area without written approval from the County.

d. User charges. No person or entity shall collect sanitary sewer user charges, fees, rates, rentals, or assessments within the County sanitary sewer service area.

e. Conditions for approval. The County shall determine maintenance, repair, or replacement needs and the feasibility of requested extensions or modifications to the County sanitary sewer system in regards to current and future plans and capacities. If an extension or modification is determined to become part of the public system, with County Board approval, the person or entity may install the system. Plans and designs for the extension or modification shall be completed by a licensed professional engineer in the State of Iowa, be reviewed by the Administrator or his or her designee, and meet the most current, at the time of design, SUDAS standards. Any maintenance, repair, replacement, modification, or extension shall be inspected by the County, or an approved third party.

f. Storm water. No person or entity shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the County sanitary sewer system.

g. Penalties. Any person or entity who violates the provisions of 15.6(1) of this ordinance shall be guilty of a simple misdemeanor, and on conviction thereof, shall pay a fine of \$100 for each infraction. Each day in which such violation shall continue shall be deemed a separate offense. Any unauthorized sanitary sewer service connections will be disconnected by the County and the costs of such work shall be charged to the owner of the property served by the unauthorized connection.

2. Prohibited discharges. The Polk County Board of Supervisors has adopted an ordinance regulating Industrial Wastewater, Commercial Wastewater and Hauled Waste hazardous, toxic and/or industrial wastewater. Therefore, no person or entity shall discharge or cause to be discharged any toxic, hazardous and other discharges prohibited by Chapter 19 Polk County Code of Ordinances.

3. Prohibited 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 referenced in Subsection 15.6(2) of this ordinance or which the discharges sewage volumes in excess of Section 15.4(1) of this ordinance; and in which the judgment of the Administrator may have a deleterious effect upon the County sanitary sewer system or receiving waters of said system, or which otherwise create a hazard to life or constitute a public nuisance, the Administrator may:

a. Rejection. Reject the wastes.

b. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewer, as specified within Chapter 19 Polk County Code of Ordinances c. Controls imposed. Require control over the quantities and rates of discharge, as per Section 15.4(1) and/or require payment to cover the added cost of handling and treating the wastes as per subsection 15.11(4).4. Special facilities. If the Administrator permits and/or requires the equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Administrator 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 constructed and maintained continuously in satisfactory and effective operation by the owner at his or her expense.

5. Control manholes. When required by the Administrator, the owner of any property serviced by a building sewer carrying sewage 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 accessible

and safely located, and shall be constructed in accordance with plans approved by the Administrator or his or her designee. The manhole shall be constructed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

6. Testing of wastes. All measurements, tests, and analyses of the characteristics of wastes shall be done in accordance with Chapter 19 Polk County Code of Ordinances. 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. The costs of any additional laboratory analyses, required by the County, shall be reimbursed by the permit holder to the County and shall be billed and collected in accordance with section 15.12 of this ordinance.

### **15.7 PRIVATE SEWER SYSTEMS**

1. When prohibited. Except as otherwise provided in this section, 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 within the County sanitary sewer service area.

2. When required. Where a public sanitary sewer is not available under the provisions of Section 15.5(1), the building sewer shall be connected to a private sewage system complying with the provisions of this section.

3. Compliance with Polk County Board of Health. The type, capacity, location and layout of a private sewage disposal system shall comply with the rules and regulations of the Polk County Board of Health. In the absence of board provision, or in amplification thereof, the procedures set forth in the rules and regulations of the Iowa Department of Natural Resources shall apply.

4. Additional requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any health officer acting in his or her official capacity.

5. Private systems abandoned. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 15.5(1), a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and removed, or be filled with suitable material as specified by the Polk County Board of Health.

6. Disposal of waste. It shall be unlawful for any person to place or discharge into the County sanitary sewer system any cesspool, septic tank or privy vault effluent, or waste from any other location in the County, except as may be designated by the Administrator.

## **15.8 BUILDING SEWERS AND CONNECTIONS**

1. Permit required. No 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 Administrator in accordance with the following:

a. Application. Any person desiring to make a connection with the County sanitary sewer system or who has already connected to the County sanitary sewer system prior to this ordinance but has not obtained a connection permit shall first file with the Administrator an application therefor, on blanks furnished by the County, setting forth the location and description of the property to be connected with the County sanitary sewer system and for what purpose the sewer is to be used.

b. Plans and Specifications. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgement of the Administrator or other duly authorized employee of the County.

c. Classes of Permits. There shall be the following classes of building sewer permits:

1. Single family residential. Premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit.
2. Non-single family residential. All premises other than single family residential

d. Permit Fee. The person who makes the application shall pay any and all fees required as presented in section 15.12 of this ordinance, or otherwise required by the Administrator to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

2. Additional permits and fees. In addition to the connection permit and fees stated in 15.12, the person desiring to make the connection shall be responsible for obtaining all necessary plumbing permits, industrial discharge permits, roadway grant and permit, and such other permits as prescribed by law. All costs of such permits, including the fees specified in Section 15.12 of this ordinance, shall be the responsibility of the person or entity desiring to make the connection.

3. Permit revocation. All permits to connect with the County sanitary sewer system shall be given upon the express condition that the Administrator may at any time, before the work is completed, revoke and annul the same for violation of any provision of this ordinance. No party interested shall have a right to claim the damages in consequence of such permits being revoked



or annulled. The Administrator shall notify the permit holder immediately by certified mail or personal service of the revocation and the reasons for the revocation. If the permit holder requests to appeal the revocation, then the Administrator shall issue a second written notice by certified mail or personal service notifying the permit holder of the time and place of the board meeting at which he or she will be granted a hearing. At this board meeting, the Administrator shall make a written report to the Polk County Board of Supervisors stating his or her reasons for the suspension, and the Polk County Board of Supervisors, after fair hearing, may uphold or overturn the revocation or take any further action that is necessary and proper.

4. Plumber required. Any connection to the County sanitary sewer system shall be made by a plumber approved by the County. The Administrator shall have the power to suspend the approval of any plumber for violation of any of the provisions of this ordinance; a suspension, unless revoked, shall continue for a maximum period of 21 days or until a regular meeting of the Polk County Board of Supervisors on which the appeal can be placed on the agenda. The Administrator shall notify the plumber immediately by certified mail or personal service of the suspension, and the reasons for the suspension. If the plumber requests to appeal the suspension, then the Administrator shall issue a second written notice by certified mail or personal service notifying the plumber of the time and place of the board meeting at which he or she will be granted a hearing. At this board meeting, the Administrator shall make a written report to the Polk County Board of Supervisors stating his or her reasons for the suspension, and the Polk County Board of Supervisors, after fair hearing, may uphold or revoke the suspension or take any further action that is necessary and proper.

5. Excavations in public rights-of-way and sanitary sewer easements. Any person or entity desiring to construct, alter, repair or maintain a connection to the County sanitary sewer system within the right-of-way of any public road and/or sanitary sewer easement shall, in addition to all other requirements of this ordinance, obtain all necessary permits from the authority having jurisdiction over the road right-of-way or easement.

6. Connection requirements. Any connection to the County sanitary sewer system must be made under the direct supervision of the Administrator, or duly authorized representative, and in accordance with the following:

- a. Old building sewers. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Administrator, or duly appointed representative, to meet all requirements of this ordinance.
- b. Separate buildings sewers. Unless otherwise approved by the Administrator,

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

c. Installation. The connection of the building sewer to the County sanitary sewer system shall conform to the requirements of applicable plumbing codes, this ordinance, and SUDAS standards. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Administrator before installation.

d. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided separation meets SUDAS standards.

7. Sewer connection. Connection of the building sewer to the County sanitary sewer system shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, the property owner shall at his or her own expense install an approved sanitary sewer connection in the public sewer at the location specified by the Administrator. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Administrator and in accordance with his or her direction if such connection is approved.

8. Connection deadline. All approved connection permits shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days from the approval of the permit, except that when, in the judgment of the Administrator, or other duly authorized representative of the County, a property owner on application has made sufficient showing that due to conditions beyond his or her control or peculiar hardship, the period of time set forth for the completion of the connection shall be inequitable or unfair to him or her, an extension of time within which to comply with the provisions herewith may be granted.

9. Inspection and approval required. All connections with the County sanitary sewer system before being covered shall be inspected and approved, in writing, by the Administrator or other duly authorized representative. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Administrator shall be notified and he shall inspect and test the work as to workmanship and material; no sewer pipe laid

underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Administrator or other duly authorized representative refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

10. 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 County from any loss or damage that may directly or indirectly be occasioned by the installation and maintenance of the building sewer.

11. Abatement or violations. Construction or maintenance of a building sewer line whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this ordinance shall, unless otherwise stated in this ordinance, be corrected at the owner's expense within thirty (30) days after date of official notice by certified mail or personal service from the Administrator of such violation. In special case(s) when the Administrator deems it necessary to maintain sanitary sewer service and/or to protect the public health, then the property owner shall provide for the correction of said violation at their expense within twenty-four (24) hours of official notice from the Administrator. If correction or repairs are not made within such time, the Administrator shall, in addition to the other penalties herein provided, have the right to finish and correct the work and charge the cost thereof to the property owner.

## **15.9 POWER AND AUTHORITY OF INSPECTORS**

1. Right of entry. The Administrator, or other duly authorized representative bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Administrator or his or her 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 quantity, kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. Use of easements. The Administrator and other duly authorized representatives, bearing proper credentials and identification, shall be permitted to enter all private properties through which the County 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 County sanitary sewer system lying within said easement. All entry and subsequent work, if any, within said easement, shall be done in full accordance with the terms of the duly negotiated

easement pertaining to the private property involved.

3. Owner's liability limited. While performing the necessary work on private properties referred to in Subsection 15.9(1), the Administrator, or duly authorized representative, shall observe all safety rules applicable to the premises established by the owner and the County. The County shall indemnify the owner against loss or damage to its property by County employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the owner to maintain safe conditions.

#### **15.10 PROTECTION FROM DAMAGE**

1. No unauthorized use. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the County sanitary sewer system.

2. Objectionable wastes. No person shall place or deposit any unauthorized sewage or other objectionable waste in any manhole or other structure of the County sanitary sewer system.

3. Prosecution of violations. Any person violating Subsections 15.10(1) and 15.10(2) shall be subject to arrest under charge of trespass and criminal mischief and any other related charges deemed appropriate by law enforcement statutes.

#### **15.11 SPECIAL PENALTIES**

1. Notice of violation. Any person or entity found to be violating any provision of this ordinance except Section 15.10 shall be served by the County with written notice by certified mail or personal service stating the nature of the violation and the 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 or entity who shall continue any violation beyond the time limit provided for in Subsection 15.11(1) hereof, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

3. Injunctions. In addition to any other remedies provided by law, when there has been a violation of the provisions of any section of this ordinance, then the County may bring suit

in the District Court of Polk County, Iowa, to prevent further violations of any provisions of this ordinance or to restrain, correct or abate such violation.

4. Liability imposed. Any person or entity violating any of the provisions of this ordinance shall become liable to the County for any expense, loss, or damage occasioned by the County by reason of such violation, including the cost of prosecuting any action against the person and including the cost of legal services used by the County in prosecuting any action.

#### **15.12 SEWER CHARGE SYSTEM**

1. Interim agreements and contracts. Interim agreements and contracts may be entered into by Polk County with other entities to provide for the treatment and conveyance of discharges from the County sanitary sewer system. All charges and costs resulting from such contracts shall be classified as operation and maintenance expenses of the County sanitary sewer system and such costs shall be reflected in the rate hereinafter established for the administration, operation, maintenance, repair, and replacement of the system.
2. Annual revenues. The sewer charge system shall be reviewed annually to generate adequate annual revenues to pay County sanitary sewer system cost, including annual debt retirement of bonded capital, which the County may designate to be paid by the sewer charge system.
3. Construction fee.
  - a. Upon resolution by the Polk County Board of Supervisors, certain expenses for constructing and/or providing the County sanitary sewer system may be collected as a construction fee from those properties being served by such system and a connection permit shall not be issued for any property having an unpaid construction fee.
  - b. Any construction fee to be collected shall be in addition to any other fees required by this ordinance.
4. Connection permit fee. A permit administration fee shall be paid by all applicants as outlined in section a. In addition to the administration fee, the total non-single family residential connection permit fee to be paid is calculated using the provisions outlined in sections b. through d. The single family residential connection permit fee to be paid in addition to the administration fee is established in section e.
  - a. Permit administration fee. An administrative fee of \$250.00 shall be collected for the review and processing of each standard connection permit. An additional fee

may be assessed for an unusual service connection that requires unusually high costs of issuing the permit and/or supervising and regulating the work, as determined by the Polk County Board of Supervisors. This fee covers effort that includes but is not limited to, processing the application, site and plan review, calculation of the total fees to be collected, and review with the applicant.

- b. Service stub fee. A fee of \$1,755.00 shall be collected to provide a sanitary sewer service stub from the collector or trunk sewer that is being provided to the non-single family residential applicant. (Included in minimum fee)
- c. Frontage fee. A fee of \$41 per foot of property frontage abutting the County sanitary sewer system. In cases where a sewer line only partially abuts a tract, the applicant shall be charged for the full length of frontage provided the property can be served.
- d. Acreage fee. A fee of \$1,750.00 per acre of property to be served. The charge shall be applied to all contiguous acreage of a tract for development. This acreage shall include land unsuitable for development such as ponds, lakes, open space, parklands, floodplains, and lands proposed for right-of-way, except that acreage fees for public right-of-way dedication in excess of thirty-three (33) feet from the centerline shall be exempt.
- e. Non single-family residential connection permit fee. The minimum connection permit fee to be collected for each non single-family residential property shall be \$12,250.00.
- f. Single family residential connection permit fee. The minimum connection permit fee to be collected for each single family residential property shall be \$12,250.00.
- g. Payment of Fees. An owner or entity can opt to pay connection fees at the time of permitting or request to pay over a period of time, not to exceed ten (10) total installments. If over a period of time is selected, execution of a payment agreement with the County will be required and include the following:
  - i. First installment. Payment of no less than one tenth (1/10) of the connection fees will be required as the first installment before a connection will be permitted.
  - ii. Subsequent annual installments. Installments on the unpaid balance will be due annually and be charged interest at the bonded interest rate established at the time an agreement is executed. In no case shall the

interest rate exceed nine percent (9%).

- iii. Failure to pay. The County reserves the right to withhold any permit or license which the owner or entity, or their agents, would otherwise be entitled in the event payments are not made or are delayed. If a payment is delayed more than ninety (90) days, such delinquent charges shall constitute a lien on the premises served and may be certified to the County Auditor and collected in the same manner as taxes pursuant to Iowa Code Section 331.465.

5. User charges. Every contributor whose premises are served by a permanent or temporary connection with the County sanitary sewer system shall pay to the County applicable rents, availability charges, and user rates hereinafter established by this ordinance to administer, construct, maintain, operate, repair, and replace the County sanitary sewer system.

- a. Availability charge. Each contributor whose premises is serviced by a connection to the County sanitary sewer system shall pay to the County, through its collection agent at the same time as payment for sewer service, a flat rate sanitary sewer availability charge billed per month and at a rate as follows;

- i. \$1.50 until June 30, 2020,
- ii. \$2.75 from July 1, 2020 until June 30, 2021, and
- iii. \$4.00 on and after July 1, 2021.
- iv. Schedule. Monthly availability charge schedule presented above will remain in effect unless otherwise modified by the Polk County Board of Supervisors. No charges shall be prorated.

- b. User rates. The user charge to be billed to each contributor shall be calculated per 1,000 gallons used and at a rate as follows;

- i. \$6.41 until June 30, 2020,
- ii. \$6.74 from July 1, 2020 until June 30, 2021, and
- iii. \$7.08 on and after July 1, 2021.
- iv. Schedule. User rate schedule presented above will remain in effect unless otherwise modified by the Polk County Board of Supervisors.
- v. Users outside Des Moines Water Works service area. In the event a user falls outside the Des Moines Water Works service area, a special rate shall hereby be established. These users will pay the average monthly amount

paid by all other users within their land use category (residential, commercial, industrial, etc.) These users shall be billed quarterly. The County reserves the right to require metering as found below in section 15.12.5.c.

- vi. Special rates. A special rate shall be established only by resolution of the Board of Supervisors and only if rates established in this ordinance are deemed to be inequitable to either the County or to the contributor.
- c. Metering. The volume of sewage discharged by each contributor shall be deemed equal to the volume of water consumption by that contributor as determined by periodic readings of the contributor's potable water meter.
- i. Private water supply. Privately produced potable water supplies shall report immediately to the Administrator and cooperate with him or her in the determination of the quantity and character of the waste originating from each such respective private water supply. The Administrator shall designate any necessary means of measurement of the private water supply and resulting sewage flow. The meter or other means of measurements of such private water supply and resulting sewage flow shall be installed, operated and maintained by the contributor at his or her expense.
  - ii. Concentrated sewage. Any contributor of concentrated sewage, upon the request of the Administrator, shall provide a central metering and/or collection point from his or her plant or property before the sewage enters the County sanitary sewer system to provide representative sewage samples and metering. As required by the Administrator, sewer meters, collection, and sampling facilities shall be installed, constructed, operated, maintained, and periodically calibrated at the expense of the contributor.
  - iii. Special request. At the request of the contributor or the Administrator, a contributor's volume and concentration of sewage discharged may be metered separately. Meters or other measuring equipment shall be installed, operated, maintained, and periodically calibrated by the contributor at their expense.
- d. Non-Public or non-DMWW water provider. Any single-family residential property connected to sanitary sewer that is connected to a non-public water supply and/or



not billed by DMWW shall be billed by Polk County. The amount for service for each property served will be a set amount based on 3,500 gallons per month usage and the current availability charge per month. Billing will occur quarterly.

- e. Minimum fee. If sewer service is connected, the minimum monthly fee to be billed for a connection to the County sanitary sewer system will be the availability charge as established within this ordinance.
- f. Toxic pollutant cost. Any contributor which discharges any toxic pollutants or any substance which individually, or by interaction with other substances, causes identifiable damages and/or increases in Polk County's cost of operation, maintenance, repair, or replacement of the County sanitary sewer system, shall pay for such damages and/or increased costs. The charge to each such user shall be as determined by the Administrator.
- g. Billing. All contributors shall be billed monthly by the collection agent for any and all user charges.
  - i. Payment due. All payments are due at the time of billing and any payment not made by the subsequent billing cycle shall be delinquent. Delinquent user charges shall be assessed a 5% surcharge.
  - ii. Failure to pay. If the contributor fails to pay user charges within 90 days, the County shall have the right to: refuse service to any property until delinquent charges have been paid, suspend service to the contributor and remove the connection to the County sanitary sewer system at the expense of the contributor, and declare such delinquent charges constitutes a lien on the premises served and may be certified to the County Auditor and collected in the same manner as taxes pursuant to Iowa Code Section 331.465.
- h. Notification. The County will notify each contributor at least annually, in conjunction with a regular bill, of the rate being charged. However, the liability to pay user charges as above is not contingent upon such notification.
- i. Collection agent duties and bond. The collection agent is charged with the responsibility of billing all contributors for the sums of money due the County for sanitary sewer user charges under the terms of this ordinance. If a collection agent is named other than the Public Works Director, or his or her designee, for the faithful performance of their duties as collection agent, and for accounting for all

funds coming into their hands, they shall give a fidelity bond to the County in the principal amount to be fixed by the Polk County Board of Supervisors. For their services as collection agent they shall receive reasonable compensation to be fixed by the Polk County Board of Supervisors.

6. Additional charges. Additional charges, fees, or assessments may be collected as outlined in the Regulation of Industrial Wastewater, Commercial Wastewater, and Hauled Waste ordinance or as established by resolution of the Board of Supervisors.
7. Fiscal accounting. All charges, fees, and assessments shall be deposited in a separate, non-lapsing, interest bearing fund known as the "Sanitary Sewer Enterprise Fund" which shall fund the administration, operation, maintenance, repair, and replacement of the County sanitary sewer system.
  - a. All previous business units that were previously allocated within the Sanitary Sewer Enterprise Fund are hereby consolidated into one business unit within the Sanitary Sewer Enterprise Fund to fund any and all administration, operation, maintenance, repair, and replacement of the County sanitary sewer system.

#### **15.13 SEVERABILITY**

If any provision, paragraph, word, section or article of this ordinance is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

#### **15.14 REPEAL**

All other ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

#### **15.15 EFFECTIVE DATE**

This ordinance shall be in full force and effect after its passage, approval and publication, as provided by law.