

CARROLL COUNTY ORDINANCE NO. 30
CARROLL COUNTY PRIVATE ON-SITE AND UNINCORPORATED COMMUNITY
SEWER ORDINANCE

AN ORDINANCE REGULATING THE USE AND CONSTRUCTION OF PRIVATE SEWERS AND UNINCORPORATED COMMUNITY SEWERS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN CARROLL COUNTY, STATE OF IOWA.

Chapter 567-69 of the Iowa Administrative Code shall be complied with in all respects regarding private sewers and is incorporated herein by reference.

Be it ordained and enacted by Carroll County, State of Iowa as follows:

ARTICLE I

Definitions

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

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean that part of the lowest horizontal pipe which begins immediately outside of the wall of a building and connects the building drain with the main public sewer or other disposal terminal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Community Sewer" shall mean an artificial conduit or pipe system used to remove domestic sewage collected from five or more residences or from 17 or more individuals within an unincorporated area and treated in a single location. This includes domestic waste whether residential or nonresidential but does not include industrial waste of any flow rate. This is the type of sewer expected to be installed in the community of Maple River.

Sec. 6. "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. 7. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 8. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 9. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 10. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 11. "Private sewage disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis. This includes domestic waste whether residential or nonresidential but does not include industrial waste of any flow rate.

Sec. 12. "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 (1.27 centimeters) in any dimension.

Sec. 13. "Publicly owned treatment works" or "POTW" means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by the County, a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of Chapter 567-60 of the Iowa Administrative Code. This is the type of system installed in the unincorporated community of Mt. Carmel.

Sec. 14. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sec. 15. "Semi-public sewage disposal system" means a system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under section 1288 of the federal Water Pollution Control Act (33 U.S.C. § 1288).

Sec. 16. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sec. 17. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 18. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 19. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 20. "Shall" is mandatory; "May" is permissive.

Sec. 21. "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. 22. "Small municipal separate storm sewer system" means all separate storm sewer systems that are owned or operated by the United States, the state of Iowa or a city, town, county, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States or of the state of Iowa, and that have a population of less than 100,000 as determined by the 1990 census. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

Sec. 23. "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. 24. "Sewer Inspector" shall mean Carroll County, or its authorized deputy, agent, or representative.

Sec. 25. "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. 26. "Utility" shall mean Carroll County.

ARTICLE II

Where Use of Unincorporated Community Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the County or in any area under the jurisdiction of said County, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the County, or in any area under the jurisdiction of said County, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any private privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage other than the private or Unincorporated Community sewer systems owned and operated by Carroll County.

Sec. 4. Connection with and operation of private or community systems shall be required according to the terms herein provided for all homes in the County where there are community sewer systems in place.

When a POTW becomes available within 200 feet, any building then served by private sewage disposal system shall be connected to said POTW within a time frame or under conditions set by the County.

When a POTW is not available, every building wherein persons reside, congregate or are employed shall be provided with an approved private sewage disposal system.

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.
- b. Independent System. Each building sewer and drainage system shall be independent of that of any other building, except where a clustered system is approved by the County or where a community system is approved by the DNR.
- c. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a private, Community or POTW sewer.

- d. A “Cleanout” fitting shall be installed as close as possible to the building foundation to provide for cleanout purposes.

Sec. 2. Supervision. A Sewer Inspector shall be appointed by Carroll County and shall have the authority, under the direction of the governing elected officers of the utility, to supervise all systems referenced in this ordinance, building sewer connections and excavations for the purpose of installing or repairing the same. Nothing in this section nor in this ordinance shall be construed to require inspections on a periodic basis by said Sewer Inspector, nor create any liability to the County for inspections or decisions not to inspect any particular sewer(s).

Sec. 3. Specifications for private sewer systems: Chapter 567-69 of the Iowa Administrative Code shall be complied with in all respects and is incorporated herein by reference.

Sec. 4. Inspection. Each and every part of a new or remodeled building sewer except internal parts shall be inspected and approved by the sewer inspector before being concealed or backfilled. It shall be the duty of any person or firm constructing a building, addition, remodeling project or sewer to notify the Sewer Inspector reasonably in advance of concealing or backfilling any such connection so that the inspection may be made.

ARTICLE IV

Use of County Sewers

Sec. 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Storm water and all other unpolluted drainage shall only be discharged to such sewers which are specifically designated as Storm sewers/Storm Drain.

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

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or

animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1as 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 the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, feathers, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 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 2 percent of the average sewage flow of the County, shall be subject to the review of the Sewer Inspector. Where necessary in the opinion of the Sewer Inspector, the owner 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 Sewer Inspector and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Sewer Inspector 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 Sewer Inspector 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, except where a grease, oil, or sand interceptor is required by the Sewer Inspector.

- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sewer Inspector. No garbage, shredded or otherwise is allowed in individual County owned private sewers.
- 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 Sewer Inspector 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 Sewer Inspector 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 Sewer Inspector 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 substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Sewer Inspector, 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 Sewer Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection. The interceptors shall be paid in full by the owner of the property.

ARTICLE V

Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the public sewage works. Any person violating this provision shall be subject to repayment for damage repair and/or immediate arrest under charge of criminal mischief.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1. The Sewer Inspector and other duly authorized employees of the "Utility" 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.

Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Sewer Inspector or duly authorized employees of the utility shall observe all reasonable safety rules applicable to the premises established by the owner or occupier of the premises.

Sec. 3. The Sewer Inspector and other duly authorized employees of the utility bearing proper credentials and identification shall be permitted to enter all private properties through which the utility holds a duly negotiated easement or agreement to inspect 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 or inspection agreement pertaining to the private property involved.

ARTICLE VII

Penalties

Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the utility with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, subject to a sentence imposed by the court not to exceed the maximum for simple misdemeanors for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

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

Sec. 4. Unpaid and delinquent monthly sewer fees shall constitute a lien upon the land of the customer, whether the account is in the name of the owner of the land or his/her tenant. Delinquent sewer fees may result in collection by any and all methods as are allowed by law, including but not limited to (a) termination of service after notice from the County and/or (b) certification of such unpaid fees to the County Treasurer for collection in the same manner as delinquent property taxes and/or (c) collection action including suit.

Sec. 5. Any sewer bills delinquent by 30 days or more shall reported to the County Treasurer. The unpaid bill plus interest at the rate of 10% per month shall be placed upon the tax books, and collected with interest and penalties due, in the same manner as other unpaid property taxes.

ARTICLE VIII

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 IX

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.

Sec. 2. Passed and adopted by the Board of Supervisors for Carroll County, State of Iowa on the 22nd day of December, 2008, by the following vote:

Ayes: Meiners, Nieland, Trobak, McDermott, Danzer

Nays: None

Approved this 22nd day of December, 2008

Signed: Marty Danzer, Chairperson

Attest: Joan Schettler, Secretary