

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

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6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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 C, expressed in milligrams per liter or parts per million.

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 five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

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

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

6. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

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

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

9. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has 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.

10. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

11. "Public Works Director" shall mean the Public Works Director of the City, or the authorized deputy, agent, or representative of the Public Works Director.

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

13. "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.

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

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

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

17. "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 of flows during normal operation.

18. "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.

19. "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.

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

(Ord. 283, Passed 1973)

(Ord 719, Passed 2012)

6-2-2 WASTE DEPOSIT UNLAWFUL. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 283, Passed 1973)

6-2-3 SEWAGE DISCHARGE UNLAWFUL. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

(Code of Iowa, Sec. 364.14(3)(f))

(Ord. 283, Passed 1973)

6-2-4 SEWAGE DISPOSAL FACILITY UNLAWFUL. Except as hereinafter provided, 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.

(Ord. 461, Passed 1980)

6-2-5 TOILET FACILITIES REQUIRED. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(Code of Iowa, Sec. 364.14(3)(f))

(IAC 567-69.3(3))

6-2-6 PRIVATE SEWAGE DISPOSAL REQUIRED. Where a public sanitary sewer is not available under the provisions of Section 6-2-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Sections 6-2-6 through 6-2-13.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-7 PERMIT REQUIRED FOR PRIVATE SYSTEM. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the County health officer pursuant to all rules and regulations of the Iowa State Department of Health.

(Ord. 461, Passed 1980)

6-2-8 INSPECTION OF PRIVATE SYSTEM. A permit for a private sewage disposal system shall not become operational until the installation is completed to the satisfaction of the County health officer. The County health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County health officer when the work is ready for final inspection, and before any underground portions are covered.

(Ord. 461, Passed 1980)

6-2-9 SPECIFICATIONS OF PRIVATE SYSTEM. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 461, Passed 1981)

6-2-10 CONNECTION BY PRIVATE SYSTEM. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-9, 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 filled with suitable material.

(Ord. 283, Passed 1973)

(Code of Iowa, Sec. 364.14(3)(f))

6-2-11 MAINTENANCE OF PRIVATE SYSTEM. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(Ord. 283, Passed 283)

6-2-12 CHAPTER CONSTRUCTION. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

(Ord 461, Passed 1980)

6-2-13 BUILDING SEWER. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 283, Passed 1973)

(Code of Iowa, Sec. 364.14(3)(f))

6-2-14 BUILDING SEWER CONNECTIONS. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director.

(Ord. 499, Passed 1981)

6-2-15 BUILDING SEWER PERMIT. There shall be two (2) classes of building sewer permits:

1. For residential and commercial service; and

2. For service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee of one hundred twenty-five dollars (\$125.00) for a residential or commercial building sewer permit three hundred dollars (\$300.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.

(Ord. 499, Passed 1981)

6-2-16 BUILDING SEWER COSTS. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 283, Passed 1973)

6-2-17 BUILDING SEWER USE LIMITED. A separate and independent building sewer shall be provided for every 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 283, Passed 1973)

6-2-18 OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Public Works Director, to meet all requirements of this Ordinance.

(Ord. 499, Passed 1981)

6-2-19 BUILDING SEWER SPECIFICATIONS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 283, Passed 1973)

6-2-20 BUILDING SEWER ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
(Ord. 283, Passed 1973)

6-2-21 PROHIBITED CONNECTIONS. 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 public sanitary sewer.
(Ord. 283, Passed 1973)

6-2-22 BUILDING SEWER CONFORMITY. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.
(Ord. 499, Passed 1981)

6-2-23 BUILDING SEWER INSPECTION. The applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his or her representative, during normal working hours of City Hall.
(Ord. 499, Passed 1981)
(Ord. 719, Passed 2012)

6-2-24 BUILDING SEWER EXCAVATIONS. All excavations 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 in a manner satisfactory to the city.
(Ord. 283, Passed, 1973)

6-2-25 UNPOLLUTED DRAINAGE PROHIBITED. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
(Ord. 283, Passed 1973)

6-2-26 UNPOLLUTED DRAINAGE PERMITTED. Storm water or all other unpolluted drainage shall be discharged to such sewers as are, specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer or natural outlet.
(Ord. 283, Passed 1973).
(Ord. 719, Passed 2012)

6-2-27 PROHIBITED WASTE DISCHARGES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

2. 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 mg/1 as CN in the wastes as discharged to the public sewer,

3. Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works,

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders,

5. Only waste waters with a pH between 3.5 and 9.5 are allowed to be discharged into the city's sanitary system. A fine of \$75.00 (seventy-five dollars) per day shall be assessed for waste water pH that does not fall within these parameters and payment of all additional cost or fines incurred by the city as a result of violating the parameters of allowable pH shall be assessed against the discharging party. A violation of this section by any discharging party of any waters or waste having a pH in excess of 9.5 on any occurrence is a offense punishable as a municipal infraction in violation of Chapter 1-3 of this Code and punishable pursuant to said Code section in Chapters 687-747 of the Code of Iowa.

(Ord. 664, Passed 2004)

(Ord. 283, Passed 1973)

6-2-28 PROHIBITED HARMFUL DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Public Works Director 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 limb, life, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Director 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:

1. Any liquid or vapor having a temperature higher than 150° F, 65°C;

2. Any water or wastes containing, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees, F (0 and 65°C);

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76hp metric) or greater shall be subject to the review and approval of the Public Works Director;

4. 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 work exceeds the limits established by the Public Works Director for such materials;

5. Any waters or wastes containing phenols or other taste or odor—producing substances, in such concentrations 'exceeding limits which may be established by the Public Works Director 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;

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations;

7. Any waters or wastes having a pH in excess of 9.5;

8. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),

c. Unusual HOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 13.08.010;

9. 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.

10. Only waste waters with a pH between 5.5 and 9.5 are allowed to be discharged into the City's sanitary system. A fine of \$75.00 (seventy-five dollars) per day shall be assessed for waste water pH that does not fall within these parameters and payment of all additional cost or fines incurred by the city as a result of violating the parameters of allowable pH shall be assessed against the discharging party. A violation of this section by any discharging party of any waters or waste having a pH in excess of 9.5 on any occurrence is an offense punishable as a municipal infraction in violation of Chapter 1-3 of this Code and punishable pursuant to said Code section in Chapters 687-747 of the Code of Iowa.

(Ord. 664, Passed 2004)

(Ord. 283, Passed 1973)

6-2-29 NUISANCE. 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 6-2-28, and which, in the judgment of the Public Works Director 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 Public Works Director may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of **Section 13.08.350**.

(Ord. 283, Passed 1973)

6-2-30 PRETREATMENT. If the Public Works Director 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 Public Works Director, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 283, Passed 1973)

6-2-31 INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, 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 Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 283, Passed 1973)

6-2-32 PRELIMINARY TREATMENT FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(Ord. 283, Passed 1973)

6-2-33 **MANHOLE REQUIRED.** When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(Ord. 283, Passed 1973)

6-2-34 **ANALYSES OF WASTE.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four hour complete 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 pH's are determined from periodic grab samples.

(Ord. 283, Passed 1973)

6-2-35 **INDUSTRIAL WASTE AGREEMENT.** No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

(Ord. 283, Passed 1973)

6-2-36 **EQUIPMENT NEGLIGENCE.** 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. 283, Passed 1973)

6-2-37 **INSPECTION; RIGHT OF ENTRY.** The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Public Works Director or the Director's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having

a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(Ord. 283, Passed 1973)

6-2-38 INSPECTION; SAFETY RULES. While performing the necessary work on private properties referred to in Section 6-2-37 the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-33.

(Ord. 283, Passed 1973)

6-2-39 EASEMENT; RIGHT OF ENTRY. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 283, Passed 1973)

6-2-40 BENEFIT ASSIGNMENT PROHIBITED. No industry or other user of any sanitary sewer, public sewer, sewage works or sewage treatment plant that has previously entered into a special agreement or arrangement with the City shall have any right to assign benefits under the special agreement or arrangement if the result of such an assignment is of such a nature as to materially change the hydraulic load or the intended use contemplated by the special agreement or arrangement.

(Ord. 283, Passed 1973)

6-2-41 VIOLATION; NOTICE. Any person found to be violating any provision of Sections 6-2-10 through 6-2-40, except Section 6-2-36, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 283, Passed 1973)

6-2-42 VIOLATION; CONTINUANCE PENALTY. Any person who shall continue any violation beyond the time limit provided for in Section 6-2-41, shall be subject to the enforcement provisions provided for in Chapter 1-3 of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-43 VIOLATION; LIABILITY. Any person violating any of the provisions of Sections 6-2-10 through 6-2-40 shall become liable to the city for any expense, loss or damage occasioned the City by reason of such violation.

(Ord. 283, Passed 1973)

6-2-44 VIOLATION; PENALTY. Any person violating any provision of Sections 6-2-10 through 6-2-40 shall be subject to the enforcement provisions provided for in Chapter 1-3 of this Code of Ordinances.

(Ord. 283, Passed 1973)

(Ord. 719, Passed 2012)

6-2-45 LAYER; EXCAVATION RESPONSIBILITY. Should any excavation be left open or partly refilled for twenty four hours after the private sewer is installed and connected with the public sewer or should the work be improperly done, the Public Works Director shall have the right to finish or correct the work, and the Council shall assess the cost to the property owner or to the sewer or drain layer. If the sewer or drain layer is assessed, said layer must pay the cost before receiving another permit and any bond posted shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

(Ord.

461, Passed 1980)

6-2-46 LAYER; STREET RESTORATION. No sewer or drain layer shall be permitted to open a trench or other ditch in a City street or alley unless as a condition thereof and as a condition for the issuance of the permit provided for in this Chapter, the layer restores the street or the alley to substantially the same condition that it was in prior to the time that he opened the same.

(Ord. 331, Passed 1974)