CHAPTER 1- ORGANIZATION

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1.01 **TITLE**. This ordinance shall be known and may be cited as the Code of Ordinances for the Iowa Great Lakes Sanitary District 2024.

1.02 **JURISDICTION.** Jurisdiction in the District shall be all areas within the City limits of Milford, Arnolds Park, West Okoboji, Wahpeton, Spirit Lake, Orleans, and Okoboji, Iowa and any territory within Dickinson County, Iowa that is so situated that the construction, maintenance, and operation of a trunk sewer system and of a plant or plants for the treatment of sewage and the maintenance of one or more outlets of drainage of it, after having been treated, will be conducive to the public health, comfort, convenience, or welfare. Areas of contagious or noncontiguous territory may be incorporated in the District.

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

1. **ACCESS TO SEWER:** A property within the jurisdiction of the Sanitary District in which the property line is within one-hundred and fifty (150) feet of the public sewer and capacity is available for the additional flow and loading within the District's wastewater collection system and wastewater treatment plant.

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 5 days at 20° C., expressed in parts per million by weight.

3. **BUILDING DRAIN:** 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 line, beginning two (2) feet outside the inner face of the building wall.

4. **BUILDING SEWER LINE:** A private line extending from the building drain to the public sewer or other place of disposal, including the riser, wye, and/or tap at the public sewer.

5. **COMBINED SEWER:** A sewer receiving both surface runoff and sewage.

6. **CONTRIBUTOR:** Any person responsible for the production of sewage or industrial wastes which is directly or indirectly discharged into the District's sanitary sewer system.

7. **COOLING WATER:** The water discharged from any system of condensation, air conditioning, refrigeration, or other. It shall be free from odor and oil and shall contain no polluting substances.

8. **DISTRICT or SANITARY DISTRICT:** That area or territory located within the boundaries of the Iowa Great Lakes Sanitary District as presently constituted or as may be added to in the future.

9. **DISTRICT SEWER:** Any sanitary sewer located in the Sanitary District that was constructed and financed by the Sanitary District or constructed and financed by others and accepted by the Sanitary District as outlined in Chapter 12 of this ordinance.

10. **DISTRICT SUPERINTENDENT or SUPERINTENDENT:** The duly appointed manager of the water pollution control works of the District or his/her authorized deputy, agent or representative.

11. **EASEMENT:** The area allowed for construction, reconstruction, and maintenance of the District sewer facilities and is either provided by legal documents, prescribed after being in placed for no less than ten (10) years or required by the District as a necessity.

12. **FAMILY DWELLING UNIT:** A single unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation. A family dwelling unit includes, but is not limited to, an individual home, condominium dwelling unit, cooperative home dwelling unit, development home, trailer, trailer pad, cabin, town house dwelling unit, condominium unit, mobile home, shouse, manufactured home, modular home, cottage, or other similar facility.

13. **GARBAGE:** Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale or produce.

14. **GRAVITY SEWER:** A gravity sewer is an underground piping system which is sloped downwards away from the source and towards the destination.

15. **GREASE:** This includes all fats, waxes, free fatty acids, mineral oils, and other sewage matters soluble in solvents such as ether. The matter shall be extracted by methods set out in the latest edition of "Standard Methods for Examination of Water and Sewage". Grease is a measurement separate from that of suspended solids.

16. **INDUSTRIAL WASTES:** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

17. **LATERAL:** A sewer at least eight (8) inches in diameter which discharges into a branch or other sewer and is constructed to meet the minimum standards of the Iowa Department of Natural Resources.

18. **MANUFACTURED HOME:** A factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

19. **MAY:** Is permissive.

20. **METERED PROPERTY:** Premises where a District-approved water supply meter is installed measuring water usage, and where the water usage readings are supplied to the District.

21. **MOBILE HOME:** A structure, transportable in one or more sections, which exceeds eight feet in width and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to one or more utilities. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

22. **MODULAR HOME:** A factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7 of the Iowa Code, and must display the seal issued by the state building code commissioner.

23. **MORATORIUM:** Any lawful suspension of ongoing or planned activity.

24. **NATURAL OUTLET:** Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

25. **PERSON:** Any individual, firm, company, association, organization, society, corporation, municipality, government agency or other groups.

26. **pH:** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

27. **PRIVATE COLLECTION SYSTEM:** Wastewater facilities that collect water from more than one lot, parcel, property, or unit that connects directly or indirectly to the Sanitary District pollution control works and not owned or operated by the Sanitary District or other public authority.

28. **PRIVATE SEWAGE PUMP OR EJECTORS:** A privately owned pump or ejector in a manufactured sealed pit (sump) that receives only sewage flows from the building drain that is airtight and watertight and properly vented from which shredded sewage is lifted and discharged into a building sewer line by automatic pumping equipment. In other existing structures, the sump shall not receive drainage from any piping within the building capable of being discharged by gravity sewer to the building sewer line.

29. **PROPERLY SHREDDED GARBAGE:** The wastes from 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 (½) inch in any dimension.

30. **PUBLIC SEWER:** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

31. **REPAIR:** The restoration of sewer facilities that do not meet the ordinances or the policies of the Sanitary District, so that the sewer facilities are returned to the former intendent operational soundness, generally without replacing more than 90% of the existing sewer facilities.

32. **REPLACEMENT:** The replacement of sewer facilities that do not meet the ordinances or the policies of the Sanitary District, so that the sewer facilities are operationally sound and within the requirements of the Sanitary District ordinances and policies, generally replacing more than 90% of the original sewer facilities.

33. **SANITARY SEWAGE or SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments contributed by reason of human occupancy.

34. **SANITARY SEWER:** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

35. **SEWER:** A pipe or conduit for carrying sewage.

36. **SEWER RENTAL:** Any and all rates, charges, fees, or rentals levied against and payable by contributors.

37. **SHALL:** Is mandatory.

38. **SHOUSE:** A structure that outwardly resembles a commercial building that is primarily used as a shop, dwelling or house. Though not required to fulfill the definition, a shouse generally has a garage(s) incorporated into the structure.

39. **SLUG:** Shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in any 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.

40. **SOIL PIPE:** A pipe that conveys sewerage containing fecal matter to the building drain or building sewer.

41. **STORM SEWER OR STORM DRAIN:** A sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

42. **SUB-MAIN SEWER:** A private sewer pipe into which the wastewater from two or more building sewer lines discharge.

43. **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.

44. **TRAILER CAMP OR TOURIST GROUND:** Any area providing spaces for two or more travel trailers, motor homes, camping trailers, Recreational Vehicles (RV's) or tent sites for temporary occupancy where one or more of the spaces is not provided with an individual sewer connection (i.e. primitive site) and where a central bath house and/or toilet facility is provided for communal use.

45. **TRAVEL TRAILERS or MOTOR HOME:** A vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, and that is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than one hundred twenty (120) days in any twelve (12) month period, or it shall be classed as a mobile home.

46. **TRUSTEES or BOARD OF TRUSTEES:** The duly elected or appointed Board of Trustees representing and administering the Sanitary District as authorized by Code of Iowa, Chapter 358.

47. **UNMETERED PROPERTY:** Premises where a District-approved water supply meter is not installed measuring water usage, or where water usage readings are not supplied to the District. Unmetered property includes any premises within the Sanitary District where metered water is not available, or where metered readings of water and other wastes discharged into the District sanitary sewer system cannot be obtained as a basis of sewer rental charges.

48. **WATER POLLUTION CONTROL PLANT:** Any arrangement of devices and structures used for treating sewage.

49. **WATER POLLUTION CONTROL WORKS:** All facilities for collection, pumping, treating and disposing of sanitary sewage and industrial wastes.

50. **WATERCOURSE:** A channel in which a flow of water occurs either continuously or intermittently.

1.04 **INDEMNITY.** The applicant for any permit or license under this Code of Ordinances, by making such application, agrees to defend, pay on behalf of, indemnify, and hold harmless the District, its officials, employees and volunteers and others working on behalf of the District against any and all claims, demands, suits, or loss, including any and all outlay and expense connected therewith, and for any damages which may be asserted, claimed or recovered against or from the District, its officials, employees, volunteers or others working on behalf of the District, by reason of personal injury, including bodily injury or death, and property damages, including loss or use thereof, which arises out of or is in any way connected or associated with the permit or license, or the work to be performed thereunder. It is the intention of the parties that the District, its officials, employees, volunteers or other working on behalf of the District

shall not be liable or in any way responsible for injury, damage, liability, loss or expense incurred by the applicant, its officers, employees, subcontractors, and others affiliated with the applicant due to accidents, mishaps, misconduct, negligence or injuries either in person or property related to the permit or license, or the work to be performed thereunder, except for and to the extent caused by the sole negligence of the District. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the Sanitary District whether expressly recited therein or not.

1.05 **EXTENSION OF AUTHORITY.** Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate, or a duly authorized designee of said officer or employee.

1.06 **AMENDMENTS.** All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the Sanitary District.

1.07 **CATCHLINES AND NOTES.** The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, section, and subsection), editor's notes, cross references, and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

1.08 **ALTERING CODE.** It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the Sanitary District to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1.09 **SEVERABILITY.** If any section, provision, or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

1.10 **WARRANTS.** If consent to enter upon or inspect any building, structure, or property pursuant to a municipal or District ordinance is withheld by any person having the lawful right to exclude, the Sanitary District officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by a District officer or employee.

1.11 **GENERAL STANDARDS FOR ACTION.** Whenever this Code of Ordinances grants any discretionary power to the Trustees or any commission, committee, board or officer or employee of the Sanitary District and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon

the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.12 **LICENSE REVOCATION; INFRACTION CHARGES; CIVIL REMEDIES.** A violation of this code, in addition to the penalties provided in this code, may subject the violator to loss of license or permit, a municipal infraction charge, or other civil remedies provided in other sections of this code. Conviction and imposition of sentence under this chapter shall not bar any such other civil remedies.