



Ordinance 16

Adopted

January 2021

Amended

January 2022



Ordinance No. 16

AN ORDINANCE AMENDING THE EXISTING ORDINANCE NUMBER 16 OF THE SUN VALLEY SANITARY DISTRICT. SIGNIFICANT CHANGES INCLUDE: SECTION 1 RATE INCREASE TO \$165.00 PER QUARTER INVOICED QUARTLERY VIA EMAIL, SECTION 5 ADD CORRECTIVE ACTION LANGUAGE TO SECTION 5 SUBSECTION K. (January 1, 2022)

BE IT ENACTED by the Board of Trustees of the Sun Valley Sanitary District, Union Township, and Ringgold County, Iowa.

**SECTION 1: RATES.**

- A. There shall be and there are hereby established sewer services charges for the use of and for the service supplied by the District's sanitary sewer utility at the rate of **\$165.00** per quarter for permanent homes, mobile homes, and camping trailers. An electric surcharge will be applicable to customers on shared systems in which the district pays for the electricity for the lift station or other sewage works. The amount surcharged will be the district's cost divided equally between all homes or trailers served by a shared system.
- B. The billing period for the sanitary sewer utility shall be quarterly via email notice. Email bill notifications will be sent in January, April, July, and October, no later than the 5<sup>th</sup> of the respective month.
- C. In no case shall the minimum service charge be less than **\$165.00** per billing period, which is necessary to pay operating, maintenance, and repair/replacement costs of Sanitary Districts collection system pumps, piping and lagoons, and to fund reserves for maintaining the sewage works.
- D. Bills shall be paid to the bookkeeper/treasurer of the District within 30 days of the email notice of billing.

**SECTION 2: DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "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.
- B. "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. "Building Sewer" shall mean the extension from the building drain to the district sewer or other place of disposal.
- C. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- D. "District" shall mean the Sun Valley Sanitary District.
- E. "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.
- F. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- G. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- H. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- I. "pH" shall mean the logarithm of the reciprocal of the weight of the hydrogen ions in grams per liter of solution.
- J. "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 district sewers, with no particle greater than one-half (1/2) inch (1/27 centimeters) in any dimension.
- K. "District Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the Sun Valley Sanitary District.

- L. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.
- M. "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.
- N. "Sewage Treatment Plant" shall mean any arrangement of devices and structures for treating sewage.
- O. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- P. "Sewer" shall mean pipe or conduit for carrying sewage.
- Q. "Shall" is mandatory; "May" is permissive.
- R. "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.
- S. "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.
- T. "Superintendent" shall mean the superintendent of the Sun Valley Sanitary District, or his authorized deputy, agent or representative.
- U. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or liquids, and which are removable by laboratory filtering.
- V. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- W. "Property owner" shall mean any "person", their heirs, successors, assigns or lessees or any person in possession of a lot or real property within the "District".

- X. (E/One) shall mean a low-pressure sewage works that is powered by E/One grinder pumps. A low-pressure sewer works system consists of a network of pressure pipes and grinder pumps, which are installed at each building drain. The grinder pump shall collect all sewage from the building drain and grind it into slurry. The sewage shall be pumped to a larger sewer main and directly to wastewater treatment lagoons.

### **SECTION 3: USE OF DISTRICT SEWERS REQUIRED.**

- A. 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 district or in any area under the jurisdiction of the district, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the district, or in any area under the jurisdiction of the district, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the district and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located, is required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so. Billing for sanitary sewer service will begin the date of official notice to connect to the sewer.
- E. No overflows shall be installed in any portion of the sewer works.
- F. All sewage works shall be inspected by the district. Failure to have the inspection may result in the property owner being fined up to \$500.00.

#### **SECTION 4: PRIVATE SEWAGE DISPOSAL**

- A. Private sewage disposal systems are prohibited in the district.

#### **SECTION 5: BUILDING SEWERS AND CONNECTIONS.**

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any district sewer or appurtenance thereof without first obtaining a written permit from the superintendent. Contractors performing work on district sewers must maintain an annual permit with the District. Permit applications may be obtained from the District Bookkeeper/treasurer or the superintendent. The cost for an annual permit is \$50.00.
- B. There shall be two (2) classes of building sewer permits: (a) for residential service, and (b) for service to commercial service establishments. In either case, the owner or his agent shall make application on a special form furnished by the district. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A sewer permit fee of \$250.00 and an inspection fee of \$40.00 for a residential building sewer permit and an inspection fee of \$60.00 for a commercial or service building sewer permit shall be paid to the district at the time the application is filed. An additional refundable deposit shall also be payable in the amount of \$500.00 for repairs in accordance with subsection T.
- C. If the property to be connected to the district's sewer has not been assessed for any part of the cost of construction of the district's sewers or has been assessed only as an unimproved lot (less than \$2,000.00) the owner shall pay a special connection charge to the district for the use of the district's sewer before the permit is issued. The amount of this fee shall be \$2,000.00. This fee is subject to modification or revocation by the district. Service to industrial establishments shall be by contract if the district deems this to be in the district's best interest.
- D. The application shall include a legal description of the real estate, the names of the property owners, the amount and date of the payment of any prior assessments for construction of the sewers, a general description of the materials to be used and the manner of general description of the materials to be used and the manner of construction, the line of the building sewer and the place of connection, if known, the intended use of the sewer, and the name and address of the person who will do the work. The permit shall be issued bearing the time and date of issuance, if the proposed work meets all the requirements of this ordinance and if all fees required under this have been paid. Work under any permit must begin with six (6) months after it is issued. All permits past the six-month deadline must be renewed before work may begin.

- E. The superintendent may at any time revoke the permit for any violation of this ordinance and require that the work be stopped. The owner or plumber may appeal such action to the district's board of trustees at its next regular meeting. The superintendent shall notify the owner or the plumber of the revocation of the permit immediately by written notice of revocation, the reasons for the revocation, and the time and place for the board of trustees meeting at which he will be granted a hearing. Prior to this meeting, the superintendent shall submit a written report to the board of trustees stating
- F. his reasons for the revocation, and the board of trustees, after a fair hearing, may rescind the revocation or take further action that is necessary and proper.
- G. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall provide E/One Sewage Works system, controls, piping and wiring in accordance with the district's specifications documented on the diagram furnished with the sewer and construction permit. The owner shall indemnify the district from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- H. 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 sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the sewer from the front building may be extended to the rear building and the whole considered as on building sewer.
- I. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all current requirements of this ordinance.
- J. 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 back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the district or the State of Iowa. 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 number 9 shall apply.
- K. The building sewer shall be brought to the building at an elevation below the basement floor.
- L. 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 the district sanitary sewer. Any person found in violation of this section shall be subject to the following actions: immediate reporting to the IDNR, notification by certified mail of the violation, corrective action must be taken within 30 days of notice. Failure to comply may result in a fine of up to a \$500.00 per month until corrective action is taken and possible service disconnection.

- M. The connection of the building sewer into the district's sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulation of the district of the state of Iowa, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice number 9. All such connection shall be gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- N. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the district's sewer. The connection shall be made under the supervision of the superintendent or his representative.
- O. The connection of the building's sewer into the district sewer shall conform to the requirements of the district. The superintendent or his authorized assistant shall supervise the installation of the building sewer and their connections with sewers in the district and enforce all regulations pertaining thereto and in accordance with this ordinance. This ordinance shall apply to all replacements of existing sewer as well as new sewers. The district may make such regulations as are necessary and that do not conflict with this ordinance.
- P. All building sewers and their connections with the district sewer must be inspected and approved by the superintendent before they are covered, and he shall keep a record of such approvals in his office. If he refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with his approval. Each person who uses or intends to use the district sewer shall permit the superintendent or his authorized assistant to enter the premises to inspect or make necessary alteration or repairs at all reasonable hours and on proof of authority.
- Q. Excavations to do work under this ordinance shall be dug so as to occasion the least possible inconvenience to the public. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly to prevent settlement, and this work, in any street, sidewalk, pavement, or other public property that is affected, must be restored to as good a condition as it was previous to excavation. The plumber must maintain the affected area in good repair to the satisfaction of the district for three (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the superintendent.



- R. Should any excavation be left open or partly refilled for twenty-four (24) hours after the building sewer is installed and connected with the district's sewer, or should the work be improperly done, the superintendent shall have the right to finish or correct the work, and the district shall assess the cost to the property owner or the plumber. If the plumber is assessed, he must pay the cost before he can receive another permit. If the property owner is assessed, such assessment shall be collected by the district. Failure to comply will result in a lien on the property.
- S. After the sewer installation is accepted by the superintendent, ownership division is the same for both Septic tank/ lift station and E/One Pumps. Property Owners are responsible for repair/replacement costs from their home to the Sanitary District's forced main collection system. This includes all piping, septic tanks, pump basins, pumps, valves, control panels, and related items. The Sanitary District's ownership begins from the property owner's connection to the District's forced main and beyond. Because the district maintains the sewer lines, E/One Sewage Works, and Lift Stations on private property they reserve the right to alter, replace, add or reconfigure sewer lines, E/One Sewage Works, or Pump Stations as the need arises, at the property owner's expense. The property owners are required to use sanitary district personnel for all necessary repairs, replacement, and maintenance to the property owner's system, and the district will provide all necessary parts and labor at the district's costs plus an administrative fee. The district shall use reasonable efforts to publish the cost for common repairs on its website.
- T. The repair deposit of \$500.00 referenced in subsection B will be held as a deposit with the district for a period of one year from the date the sewer installation has been accepted by the superintendent. Should sewer problems occur within one year of acceptance and found to be the responsibility of the property owner and/or the person installing the sewer service, they are responsible for the repair. The repairs must be made within 15 days of notice from the Superintendent. Repair costs are the sole responsibility of the property owner. If repairs are not made within 15 days of notice, the district reserves the right to make the repairs and use the repair deposit to fund them and invoice the property owner any additional costs associated with the repair plus an additional amount of \$200.00. The district has the right to file a lien on the property for said amounts.
- U. All property owners are solely responsible for the building sewer from the home to the district's forced main and shall repair all leaks or other problems, whatever they may be, including replacement of said components, if necessary, as soon as possible and no longer than 15 days from the time the property owner has notice of a leak or other problem. The district shall have the right to make the repairs, if not made within the above prescribed time period, and assess the property owner the actual costs of the repairs plus an additional amount of \$200.00. The district has the right to file a lien on the property for said amounts.

- V. The sanitary district board of trustees approved and required the use of E/One Sewage Works in place of Septic/Lift Station Sewer Systems in July 6, 2005 in a board of trustees' monthly meeting following a trial and factfinding period. This was precipitated in an effort to improve sanitary district lines infrastructure, reduction of water infiltration and to utilize the sewage lagoons capacity. To facilitate transition to E/One Sewage Works the sanitary district board of trustees implemented the following processes.
- W. After July 6, 2005, all new sewer installations shall consist of E/One sewage works outlined on the sewer permit. The entire cost of all new sewage work and sewer installations is the responsibility of the property owner and any other person if ownership is shared or otherwise jointly held.
- X. After January 1, 2015, conversion of septic/lift station systems to E/One sewage works must be performed on a trouble case basis, such as when the pump, holding tank, pump control or other essential sewage works require replacement. The District and its superintendent shall evaluate replacement needs and make a decision on each trouble on a case-by-case basis. The cost of all sewage works and labor necessary to complete the conversion to E/One shall be borne by the property owner and any other person if ownership is shared or otherwise jointly held. Conversion from a septic tank system shall consist of installation of not less than an E/One grinder pump, holding tank, pump controls, sewer pipe or conduit, and electrical wiring. Conversion from a septic tank system shall require pumping, removal and lawful disposal of sewage contained in the septic system, crushing the tank lid into the tank, and filling the tank with sand, fill soil or other material approved by the superintendent. Property owner shall own the E/One grinder pump and all appurtenances thereto and shall be solely responsible for required maintenance, repair, and replacement. Upon date of notice by the district, the property owner has six months to complete the conversion.
- Y. Any sale, transfer, exchange or conveyance of a lot or real property within the district that includes sewage works shall be inspected by the district to monitor compliance with this ordinance. Sewage works consisting of a septic system shall be converted to an E/One sewage works within six (6) months of any sale, transfer, exchange or conveyance of a lot or real property within the district. Conversions of a septic system shall be at the property owner's expense and shall include pumping, removal and lawful disposal of sewage contained in the septic system, crushing the septic system's tank lid into the tank, and filling the septic system's tank with sand, fill soil or other material approved by the Superintendent. The cost of conversion of a septic system serving multiple lots or parcels of real property shall be borne by the property owners in equal proportions.

## **SECTION 6: USE OF THE DISTRICT SEWERS.**

- A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, or roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically 1 designated as combined sewer or storm sewer, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any district's sewer:
- D. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
- E. 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 receiving waters of sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the district's sewer.
- F. Any waters or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- G. Solid or viscous substances in quantities or 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 fleshing, entrails, and paper dishes, cups, diapers, feminine hygiene products, milk containers, etc. either whole or ground by garbage grinders.

- H. 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, or (3) having an average daily flow greater than 2 percent of the average sewage daily flow of the district, shall be subject to the review of the superintendent, 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 weights, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- I. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the superintendent will consider such factors as the quantities of the 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 treat ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
  - J. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65) degrees C. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 67) degrees C.
  - K. 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 superintendent.
- L. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- M. 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 sewage treatment works exceed the limits established by the superintendent for such materials.

- N. Any waters or wastes containing phenols or taste-or-odor-producing substances, in concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- O. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable State or Federal regulations.
- P. Any waters or wastes having a pH in excess of 9.5.
- Q. Materials which exert or cause:
- R. Unusual concentration 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).
- S. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions). Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- T. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- U. Waters and 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.
- V. If any waters or wastes are discharged, or are proposed to be discharged to the districts sewers, which waters contain the substances or possess the characteristics enumerated in section "d" of this section, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may: Reject the wastes, Require pretreatment to an acceptable condition for discharge to the district sewer.

- W. Require control over the quantities and rates of discharge, and/or 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 j of this section. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.
- X. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- Y. When 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 his expense. When required by the superintendent, 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 accessible and safely located, and shall be constructed in accordance with plans approved by the owner at his expense, and shall be maintained by him as to be safe and accessible at all times.
- Z. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for 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 the nearest downstream manhole in the district sewer to the point at which the building sewer is connected.
- AA. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr composites of all outfalls whereas pH's are determined from periodic grab samples).

BB. No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the district and any industrial concern whereby a waste of unusual strength or character may be accepted by the district for treatment, subject to payment therefore, by commercial service concern.

**SECTION 7: PROTECTION FROM DAMAGE.**

A. 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.

**SECTION 8: POWERS AND AUTHORITY OF INSPECTIONS.**

A. The superintendent and other duly authorized employees of the district 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 superintendent or his 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. While performing the necessary work on private properties referred to in (a) above, the superintendent or duly authorized employees of the district shall observe all safe 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 district shall indemnify the company against loss or damage to its property by district 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 5 (h).

B. The superintendent and other duly authorized employees of the district bearing proper credentials and identification shall be permitted to enter all private properties through which the district 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.

**SECTION 9: EXTENSIONS.**

- A. The district shall supervise construction of extensions to its sewer mains at points within its service area, but the district shall not be required to make such installations unless the customer or owner pays to the district the entire cost of the installation, in advance of construction.
  
- B. All sewer main extensions shall be evidenced by a contract signed by the district and person advancing funds for said extensions.
  
- C. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the district and such extension shall be the property of the district and no other person shall have any right, title, or interest therein.

**SECTION 10 PENALTIES.**

- A. Any person found to be violating any provision of this ordinance except article Section 7 shall be served by the district 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.
  
- B. Any person who shall continue any violation beyond the time limit provided for in subsection a of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation occurs shall be deemed a separate offense.
  
- C. Any person violating any of the provisions of this ordinance shall become liable to the district for any expenses, loss, or damage occasioned by district by reason of such violation.



**SECTION 11: REPEALER.**

- A. This ordinance replaces and repeals all previously issued ordinances or parts of ordinances that are in conflict with this ordinance issued by the Sun Valley Sanitary District Board of Trustees.

**SECTION 12: SEVERABILITY CLAUSE.**

- A. If any sections, provisions, or parts of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 13: WHEN EFFECTIVE.**

- A. This ordinance shall be in effect upon passage and approval.

**SECTION 14: DISCONNECTION OF SERVICE**

**A. Delinquent Accounts**

- a. An applicant that is delinquent in payment of the District's sewer bill for existing sewer service may be refused new or additional services until such time as the delinquency and all penalties and other fees related to such delinquency have been paid in full.
- b. Disconnection and Other Penalties.
- c. When a District property owner sells their property, it is the current and new property owners' responsibility to notify the District of the change. This will allow billing to be changed and verify that the sewer upgrade has been completed.
- d. In the event service is terminated for failure to pay an outstanding account balance within the allowed time period reconnection to the system may only be made upon payment of the outstanding delinquency plus all late fees that have accrued plus a reconnection fee.
- e. Reconnection to the sewer system shall only be done Monday through Friday between the hours of 8:00 a.m. and 3:00 p.m.
- f. The current amount charged for a late fee and a reconnection fee is available by request or at the Sun Valley Sanitary District's office or website.

- g. A surcharge may be added to the account of any customer whose check, draft, or credit card is returned by reason of a closed account, insufficient funds, or other reason that is not the fault of the District.
- h. A district customer's failure to pay sewer service charges when due may result in the assessment of a lien against the property to which sewer services were provided. Alternatively, the District may take such other legal action it deems necessary and appropriate under the circumstances to recover sums owed for sewer services provided by the District. In the event legal action is taken, the customer shall be responsible for the payment of all costs incurred as a result of such action, including but not limited to court costs and reasonable attorney fees incurred by the District.

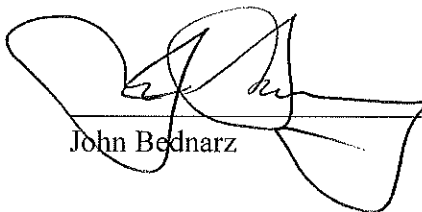
#### **SECTION 15: SUN VALLEY SANITARY DISTRICT BOARD OF TRUSTEES**

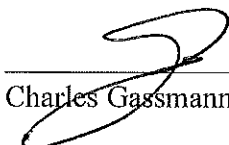
- A. Every person who is a record owner of real property located within the defined territory of the district boundaries, in Sun Valley Lake, Ringgold County, Iowa, the tenant of the real property, or another person acting for the owner with the owner's written consent is a member of the district.
- B. A member who has subscribed to and paid the fees established by the SVSD Ordinance 16 shall be a participating member.
- C. The Board of Trustees shall cause each participating member to be enrolled, provided that the participating membership shall not be denied service or membership because of the member's race, color, creed, national origin, religion, sex, sexual orientation, gender identity, pregnancy, physical disability, mental disability, or retaliation. The order of business at the annual and so far, as possible at all other membership meetings shall be:
  - a. Call to order.
  - b. Review and Accept Proposed Meeting Agenda
  - c. Review & Action on minutes of prior meeting (s)
  - d. Review Treasurers Report
  - e. Bills to be Paid
  - f. New business
  - g. Unfinished business
  - h. Election of Trustees (if needed)
  - i. Adjournment

- D. The Board of Trustees of this District shall consist of three (3) Trustees, all of whom shall be participating members of the District. The SVSD Board shall be made up of Trustees who are fulltime residents of Sun Valley Lake Iowa and non-fulltime residents of Sun Valley Lake Iowa. The trustees shall serve staggered terms so that one Trustee shall be elected every other year, or until successor trustees are elected in accordance with Chapter 358. Any vacancies occurring during the year shall be filled by the Board of Trustees by a majority vote.
- E. The Board of Trustees shall meet and shall elect a President, Clerk, and a Treasurer, each of whom shall hold office until the next election and until the election and qualification of his or her successor unless sooner removed by death or resignation.
- F. Duties of Officers:
1. President. The President shall lead the district, preside at meetings and shall exercise such authority, make necessary decisions that must be between regularly scheduled meetings in the best interest of the district, and perform such duties as the Board of Trustees may assign, and delegate such tasks as needed.
  2. Clerk. The Clerk shall be responsible for keeping records of Board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each Board member, assuring that corporate records are maintained, and perform such duties as the Board of Trustees may assign, and delegate such tasks as needed.
  3. Treasurer. The Treasurer shall make a report at each Board meeting. Treasurer shall coordinate the preparation of the budget, manage the District's accounts, make financial information available to Board members and the public, perform such duties as the Board of Trustees may assign, and delegate such tasks as needed.
- G. The District shall give notice of the time, date, and place of each meeting of the Board and its tentative agenda, in accordance with Iowa law.
- H. If the office of any trustee becomes vacant by reason of death, resignation, retirement, disqualification or otherwise, the remaining trustees shall, by a majority vote, choose a successor who shall hold office.

- I. A majority of the Board of Trustees shall constitute a quorum at any regular meeting of the Board.
- J. A trustee, officer, employee, or participating member of the District shall not be personally liable in that capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for a breach of the duty of loyalty to the District, for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.
- K. The District shall, upon request and submission of reasonable documentation, reimburse each Trustee for the cost of the bond required by Iowa Code Section 358.10.
- L. Parliamentary Authority: All meetings shall generally be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised, in all cases to which they are applicable and in which they are not inconsistent with this article and any special rules of order the District may adopt.

Passed and approved this 10<sup>th</sup> day October, 2021

  
\_\_\_\_\_  
John Bednarz District Clerk

  
\_\_\_\_\_, President  
Charles Gassmann