

# *South Panorama Sanitary District*

## *Ordinance 3*

*An Ordinance to Establish Rates for the Connection to the District System,  
Prescribing Procedures for Connection to the District, Fixing Rates, Prescribing  
Enforcement of Connection Requirements, Prescribing Administrative Procedures  
and Appeal Process*

By action of the Board of Trustees this Ordinance 3 shall be adopted to replace existing Ordinance 4. This Ordinance as amended shall be as follows having been rewritten in its entirety:

Be it enacted by the Board of Trustees (Trustees) of the South Panorama Sanitary District (District) of Guthrie County, Iowa:

**Whereas**, the District has completed constructing the District lines for the movement of septic effluent, and;

**Whereas** it is necessary to adopt rules for connection of users to the District lines;

**Whereas**, certain mandatory connections should be required with respect to connection to the District lines;

Accordingly the following terms and provisions are enacted by the District:

- A. Prescribe connection rates for the connection to the District lines;
- B. Prescribe procedures to be followed in making connections with said District and to establish regulations governing the connection and service therefore;
- C. Prescribe procedure for connection to the District lines;
- D. Fix rates;
- E. Prescribe enforcement of connection requirements;
- F. Prescribe administrative procedures and appeal process.

### **Section 2      Enforcement**

The Guthrie County Sanitarian, or person hereafter designated by the Board of Trustees by separate resolution of said Board, shall supervise the installation of sewer service pipe and its connection to the sanitary sewer system and enforce all regulations pertaining to such service in this District in accordance with this Ordinance. This Ordinance shall apply to all replacements of existing service pipes as well as new ones. The Sanitarian or other person designated shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the District lines, such rules subject to the approval of the Trustees. In the event of an emergency, the Trustees may make temporary rules for the protection of the system until due consideration by the Trustees may be had.

### **Section 3      Adoption of State Plumbing Code**

The installation of any sanitary sewer pipe and any connection with the District lines shall comply with all pertinent and applicable provisions, whether regulatory or procedural enforcement provisions, of the Plumbing Code, published by the State of Iowa, which is hereby adopted. An official copy of the Plumbing Code as adopted and a certified copy of this Ordinance shall be on file in the office of the Sanitarian for public inspection.

### **Section 4      Mandatory Connections**

All residents or other structures within the District intended or used for human habitation, occupancy or use shall be connected to the District lines, if reasonably available, subject to the following:

- A. Each separate on-site system shall be examined by the District at or about the time of installation of sewer lines by the contractors. The District on such examination shall judge the condition of each such system with the following elements of consideration:
  - (1) Septic tank general condition,
  - (2) Sludge/scum level, and
  - (3) Condition of secondary treatment facilities.

B. The determination as to each such system shall be recorded in the permanent records of the District. The Sanitarian, or such other person as designated by the Trustees as provided in Section 2 of this Ordinance, may, based on this permanent record, temporarily suspend mandatory connection, if requested, except in the following instances:

- (1) Those on-site systems where construction began after January 1, 1986 which are lacking adequate systems within 20 days of the date the engineer certified hook-up is available.
- (2) Those homes where on-site systems are determined by the District to be improperly functioning must connect to the District system line in any event within 30 days after the engineer certified the hook-up is available.
- (3) Those homes where on-site systems have surface discharge to the ground or Lake must hook into the District line within 30 days of the time the engineer certified hook-up was available.
- (4) Those homes whose on-site systems are determined by the District to be properly operating may not be required to attach to the District lines. Annually, or more often as determined by the Trustees, each of these systems shall be re-inspected and reviewed by the Sanitarian, or other designated person. If the system continues to operate properly, then actual connection may be postponed. Nothing herein shall release the owner of the property and the property from paying the regular and special assessments for the original construction of the District system, nor shall they be relieved from paying minimum monthly regular sewer fees.

**Section 5**            **Specification for Connection**

All residences and other structures, as described in Section 4, and required to connect to the District system, as also required in Section 4, are hereby required to furnish at the time of connection:

- A. A septic tank meeting the approval of the Lake Panorama On-Site Wastewater Management regulations must be utilized. Effluent discharge must have solids less than 1/8" in size. Effluent screening is required on all new installations.
- B. As a part of the system, where necessary, a properly sized pump must be installed and operable.
- C. The Sanitarian shall use the current rules of the Lake Panorama On-Site Wastewater Management District as the criteria for the on-site portion of the system, inspection protocol, and enforcement provisions.

**Section 6**            **Permit**

Before any person, firm, corporation, or other association shall begin construction of any structure designated in Section 4 approval must be obtained from the Sanitarian of the property owner's portion of the on-site system plus the connection to the District line, as outlined in Section 2. The Sanitarian shall determine what information is needed for the permit approval. This permit is valid for one year from date of approval. The Sanitarian, or other designated person, 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 in the manner provided in Section 12 of this Ordinance.

**Section 7**            **Fees and Permits**

- A. As a part of the permit application, a fee, as established by the Trustees at any regular meeting, shall be paid to the Sanitarian, or other designated person, to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.
- B. Additionally, the Trustees may establish at any regular meeting a fee for connection to the District line.
- C. The connection fees above prescribed are due and payable no later than thirty (30) days after official notice served on behalf of the District to the owner, person, firm, corporation, or other association responsible for the property. If such connection fee is not paid when due and payable, the same shall be delinquent. The records of the District will then show the same as delinquent accounts and shall draw interest at a rate of interest to be established by the Trustees at any regular meeting. The same shall be billed on a monthly basis.
- D. All rates, fees, and charges as above provided, remaining unpaid and delinquent for a period of thirty (30) days or more shall constitute a lien upon the premises served and shall be certified by the Sanitarian to the County Auditor for collection in the same manner as property taxes.

**Section 8**            **Making the Connection**

- A. Any connection with the District lines must be made under the direct supervision of the Sanitarian, or other designated person, as provided in Section 2 of this Ordinance.

B. Any new home must be connected to the District either (1) when water service is provided to the home, or (2) within one year of when the construction of the structure begins, whichever is earlier.

**Section 9**      **Excavation**

Excavation to do work, under this Ordinance, shall be dug so as to occasion the least possible inconvenience to the public. All such excavation shall have proper barricades at all times with warning lights placed from ½ hour before sunset to ½ 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, and any street, sidewalk, pavement, or other public property that is affected, must be restored to as good of condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the Board for three months after refilling. All sanitary service pipes must be laid to prevent rupture by settlement or freezing. No excavation shall be made within six feet of any laid water pipe while the ground is frozen, and no water pipes shall be exposed to frost, except by special permission in writing of the Sanitarian, or other designated person.

**Section 10**      **Inspection and Approval**

All sanitary service pipes and/or connections to the District lines must be inspected and approved in writing by the Sanitarian, or other designated person, before they are covered and a record shall be kept. If approval of the work is denied, the plumber or owner must proceed immediately to correct the work so that it will meet with the Sanitarian's approval. Every person who uses or intends to use the District lines shall permit the Sanitarian, or other designated person, to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and upon proof of authority.

**Section 11**      **Completion by the District**

Should any excavation be left open or partly refilled for 24 hours or more after the sewer service pipe line is installed and connected with the District line, or should the work be improperly done, the Sanitarian, or other designated persons, shall finish or correct the work, and the Trustees shall assess the cost to the property owner or the plumber. If the plumber is assessed, the plumber must pay the cost before receiving another permit. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

**Section 12**      **Appeal Process**

Any person aggrieved by a decision of an employee, Sanitarian, engineer, officer, or other person designated by this Ordinance or pursuant to the terms of this Ordinance in the exercise of administrative decisions on behalf of the Trustees may have a hearing before the Trustees. A request for a hearing must be made in writing and delivered to the Clerk or the Sanitarian (if serving in an official capacity on behalf of the District) or a person designated by the Trustees, within 10 days of the date of any notice given or 10 days from the date of a decision, if notice is not required by this Ordinance of such decision. If no such request for hearing is so present, it will be conclusively presumed that the action of the person or persons acting on behalf of the Trustees was correct and the matter shall proceed as directed. The Trustees will set hearing, if so requested, before it at a time and place designated by the Trustees. The findings of the Trustees shall be conclusive and, if the action is approved, it shall be ordered that such undertaking remain or be completed in accordance with the circumstances.

**Section 13**      **Disposition of Fees and Charges**

All money received under this Ordinance shall be deposited in the District account not later than the last day of the month in which it was received and a written report of the amount and source of fees or charges shall be reported to the Trustees,

**Section 14**      **Repealer**

All Ordinances or part of Ordinances and conflict within the provisions of this Ordinance are hereby repealed.

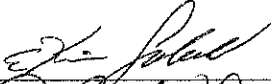
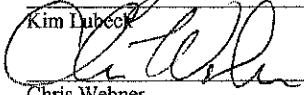
**Section 15**      **Severability Clause**

If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section 16      When Effective**

This Ordinance shall be in effect after final passage, approval, and publication as provided by law.

Passed by the South Panorama Sanitary District Board of Trustees this 10<sup>th</sup> day of March, 2010.

	_____
Kim Lubeck	President
	_____
Chris Webner	Clerk