

CHAPTER 28

UTILITIES

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CHAPTER 28

UTILITIES

DIVISION I ELECTRICITY

Sec. 28.101. GENERAL CONDITIONS FOR ELECTRIC RATES.

The following general conditions are applicable to the following as indicated in each rate schedule:

- (1) Service shall be provided subject to Ames Municipal Electric System rules and regulations.
(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87)
- (2) The schedule will be applied to each meter and point of delivery and in no event will meter readings be combined except when it has been determined necessary by the Ames Municipal Electric System.
(Ord. No. 3885, 07-5-06)
- (3) Where a residence and a business are combined on one premise, service for the combined use will be considered residential only if the predominant use is for residential purposes. If the use is predominantly for business purposes, the customer is required to take all service under the applicable Small Commercial or Commercial Rate.
(Ord. No. 4130, 11-27-12)
- (4) The standard approved type of electric water heater shall have a single 120 volt heating element no larger than 1500 watts or shall have multiple thermostatically controlled noninductive 240 volt heating elements of not more than 5000 watts per element with such multiple elements connected interlocking so that only one element may operate at a time.
- (5) The utility may assess an excess facilities charge when necessary to meet costs of an unusual installation.
(Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92)

Sec. 28.102. ENERGY BILLING (ENERGY UNIT RATE, ENERGY COST ADJUSTMENT, & ENERGY RATE ADJUSTMENT).

The net monthly billing based on rates will be increased or decreased according to the Energy Unit Rate and Energy Cost Adjustment, calculated as of the prior month. For purposes of this section, the following definitions apply:

“Energy Unit Rate” means the portion of the retail electric rates that produces revenue to offset fuel and electrical energy related expenses. The Energy Unit Rate for all retail rate schedules shall be \$0.0495 per kilowatt-hour (kWh).

“Energy Cost Adjustment (ECA)” means the amount the customer’s billed energy charges are adjusted to compensate for variations in the cost of energy to the Ames Municipal Electric System. The ECA shall be adjusted monthly for variations in the utility’s net cost of energy associated with electrical energy purchases/sales, transmission expenses/revenues, and adjustments; fuel purchases/sales, delivery expenses, and adjustments; and fuel waste disposal expenses/revenues and adjustments. The ECA shall be determined by multiplying the customer’s billed energy consumption (kWh) times the Energy Rate Adjustment (\$/kWh).

“Energy Rate Adjustment” means the Energy Unit Rate (\$/kWh) subtracted from the quotient of the Utility’s net cost of energy (\$), as defined in the ECA, invoiced for the prior twelve-month period divided by the total retail energy (kWh) sales for the corresponding twelve-month period.

(Ord. No. 2921, Sec. 2, 4-9-85; Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-87; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4130, 11-27-12; Ord. No. 4262, 6-14-16).

Sec. 28.103. RESIDENTIAL ELECTRIC RATES.

(1) **Availability:** Electrical energy and service shall be available at the "Residential Rate" for all single-phase domestic uses in separately metered, dwelling units that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, as distinguished from group domiciles such as rooming houses, fraternity or sorority houses, supervised group homes, and residential care facilities of various kinds.

(2) **Rate per billing period.** For each monthly billing period a residential rate customer:

- (a) shall be charged eight dollars and thirty-two cents (\$8.32) as a customer service charge, and
- (b) in addition, shall be charged for energy consumption during the billing period as follows:
 - (i) for bills mailed on or between July 1 and October 31 (summer period):
\$0.1213 per kWh, or
 - (ii) for bills mailed on or between November 1 and June 30 (winter period):
\$0.1005 per kWh
- (c) All charges above shall also be subject to the current applicable energy cost

adjustment per Sec. 28.102. (*Ord. No. 4130, 11-27-12*)

and

(3) **Minimum bill:** The minimum charge per billing period shall be eight dollars and thirty-two cents (\$8.32).

(*Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09; Ord. 4130, 11-27-12*)

(4) **Conditions:** The Residential Rate shall be subject to the general conditions set forth in Section 28.101(1), (2), (3), (4) and (5).

(5) **Load Management Credit:** Any dwelling unit that qualifies under the Residential Rate and is equipped with a properly installed central air conditioner shall be eligible to participate in the Residential Load Management Program. Customers who agree to allow the utility to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) \$5 credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed \$20 for each central air conditioner on which a Load Management Switch is installed.

(*Ord. No. 3277, Sec. 1, 5-24-94*)(*Ord. No. 822, Sections 2, 3; Code 1956, Sections 26-2, 26-3; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 2, 7-24-79; Ord. No. 2895, Sec. 1, 5-22-84; Ord. No. 2921, Sec. 3, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92*)

Sec. 28.104. SMALL COMMERCIAL RATE.

(1) **Availability:** Electrical energy and service shall be available at the "Small Commercial Rate" to all customers except those that qualify for another rate schedule, for all single-phase or three-phase, single-metered usage, where the metered demand does not exceed 55 kVA.

(*Ord. No. 4130, 11-27-12*)

(2) **Rate per billing period:** For each monthly billing period a Small Commercial Rate customer:

- (a) shall be charged fifteen dollars and sixty cents (\$15.60) as the customer service charge; and,
- (b) in addition, shall be charged for energy consumption during the billing period as follows:
 - (i) for bills mailed on or between July 1 and October 31(summer period):
\$0.1194 per kWh
 - (ii) for bills mailed on or between November 1 and June 30 (winter period):
\$0.0986 per kWh

(c) All charges above shall also be subject to the current applicable energy cost Adjustment per Sec. 28.102.

(Ord. No. 4130, 11-27-12)

(3) **Minimum bill:** The minimum charge per billing period shall be fifteen dollars and sixty cents (\$15.60).

(Ord. No. 4130, 11-27-12)

(4) **Conditions:** The Small Commercial Rate shall be subject to:

(a) the general conditions of section 28.101 (1), (2), (3) and (5); and,

(b) the following specific conditions:

(i) Unless three-phase service is determined by the Ames Municipal Electric System to be economically available, motors up to and including 5 hp shall be single-phase. Motors above 5 hp shall be three-phase. Three-phase service will normally be 120/208 volt, 4 wire. Where conditions warrant (outside the business district area), 4-wire 120/240 volt or 277/480 volt service may be furnished if mutually agreeable to the Ames Municipal Electric System and the customer.

(ii) Fluctuating loads. Loads requiring excess transformer capacity because of large momentary current requirements, or to provide close voltage regulation, shall be subject to an additional charge of \$0.327 per rated kVA of capacity above normal capacity requirement for the diversified demand. The kVA subject to an additional charge will be adjusted no more than once a year. No charge shall apply if the customer furnishes the transformers.

(Ord. No. 3885, 07-25-06; Ord. 3987, 05-12-09)

(iii) Should the electrical energy furnished under this schedule for any reason be metered on the primary side of the service transformers, the energy metered shall be reduced by 1 ½ percent before calculating the energy charge.

(Ord. No. 4130, 11-27-12)

(5) **Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

(Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3885, 07-25-06)

Sec. 28.105. COMMERCIAL RATE.

(1) **Availability.** The "Commercial Rate" shall be optional for any non-residential customer whose consumption in any billing period exceeds 10,000 kWh. The Commercial Rate shall be mandatory for any non-residential customer whose metered demand at any time exceeds 55 kVA. If at any time, a non-residential customer's metered demand exceeds 55 kVA, all consumption for the billing period in which that occurs, and for the next succeeding eleven billing periods, shall be charged at the Commercial Rate. Any customer for whom the Commercial Rate became mandatory, who subsequently has a metered demand of less than 55 kVA for 12 consecutive months, will again become an optional commercial rate customer with a choice between Small Commercial Rate and Commercial Rates. Any customer for whom the Commercial Rate is optional shall not switch rates more than once in a period of 12 months. Any customer on the Commercial Rate who has a metered demand of less than 55 kVA, and a consumption of less than 10,000 kWh, for twelve consecutive months, shall be changed to the Small Commercial

Rate.

(Ord. No. 4130, 11-27-12)

(2) **Rate per Billing Period.** For each monthly billing period, a Commercial Rate customer:

- (a) shall be charged one hundred fifty-six dollars (\$156.00) as a customer service charge, and
- (b) in addition, shall be charged for demand and energy consumption during the

billing period as follows:

- (i) for bills mailed on or between July 1 and October 31 (summer period)

a customer shall be charged a demand of:

\$10.71 per kVA and an energy charge of:
\$0.0644 per kWh

- (ii) for bills mailed on or between November 1 and June 30 (winter period) a

customer shall be charged a demand charge of:

\$8.01 per kVA and an energy charge of:
\$0.0644 per kWh

(Ord. No. 3987, 05-12-09; Ord. 4130, 11-27-12)

- (c) All charges above shall also be subject to the current applicable energy cost adjustment per

Sec. 28.102.

(Ord. No. 4130, 11-27-12)

(3) **Billing Demand:** The "Billing Demand" shall be the greater of:

- (a) The peak 15-minute demand measured during the present monthly billing period; or
- (b) Seventy-five percent (75%) of the peak demand measured during the most recent four months of the summer period; or
- (c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.
- (d) Provided, however, that the demand used for billing shall in no case be less than 15 kVA

after discounts.

(Ord. No. 4130, 11-27-12)

(4) **Minimum bill:** The minimum bill shall be the customer service charge plus the current demand charge.

(5) **RESERVED**

(6) **Service facilities:** The Ames Municipal Electric System shall furnish as a standard installation facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute demand of the customer. Each standard installation shall include, where necessary, facilities for one standard transformation and the demand and energy consumption of the entire premises.

(7) **Excess facilities charge:** In the event service facilities in addition to, or different from, a standard installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric System shall furnish, install, and maintain such facilities subject to the following considerations:

- (a) The type, extent, and location of such service facilities shall be determined by agreement between the Ames Municipal Electric System and the customer.
- (b) Such service facilities shall be the property of the Ames Municipal Electric System.
- (c) The customer shall pay a monthly rental charge on those facilities in excess of the facilities included in a standard installation.
- (d) If the optional or nonstandard facilities are used for other customers also, the rental payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service:** Customers who take service at primary voltage shall be granted discounts to demand and energy as follows:

- (a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage side of utility-owned transformers.
- (b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the

high voltage side of customer-owned transformers.

(c) A minimum billing demand after discount shall be 15 kVA.
(*Ord. No. 4130, 11-27-12*)

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions:** The Commercial Rate shall be subject to

(a) the general condition in section 28.101 (1), (2), (3) and (5); and,

(b) the following specific conditions:

(i) The customer's total usage on a single premise shall determine whether the customer qualifies for service under this rate structure. In no event will the customer be billed on both the Small Commercial Rate and Commercial Rates. A premise is defined as the main building of a commercial or industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the use of service in the outlying buildings is supplemental and similar to the service used in the main building.

(*Ord. No. 4130, 11-27-12*)

(ii) Fluctuating loads. If use of energy is intermittent or subject to violent fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount equal to 65% of the rated capacity in kVA of the apparatus which causes such fluctuations.

(*Ord. No. 4130, 11-27-12*)

(10) **Load Management Credit:** Any facility that qualified and is equipped with a properly installed central air conditioner shall be eligible to participate in the Load Management Program. Customers who agree to allow the Ames Municipal Electric System to install and maintain a Load Management Switch on their central air conditioner will receive the following credits to their electric bills:

(a) Five dollars (\$5.00) credit for each installed Load Management Switch for bills mailed on or between July 1 and October 31.

(b) The total annual credit for each customer shall not exceed twenty dollars (\$20.00) for each central air conditioner on which a Load Management Switch has been installed.

(*Ord. No. 822, Sections 4, 5; Code 1956, Sections 26-4, 26-5; Ord. No. 1038, Sec. 1, 9-4-62; Ord. No. 2172, Sec. 2, 2-7-67; Ord. No. 2271, Sec. 1, 2, 10-22-68; Ord. No. 2505, Sec. 1, 2, 4-22-75; Ord. No. 2586, Sec. 2, 2-22-77; Ord. No. 2657, Sec. 2, 6-6-78; Ord. No. 2723, Sec. 1, 2, 7-24-79; Ord. No. 2921, Sec. 4, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3885, 07-5-06*)

Sec. 28.106. INDUSTRIAL RATE.

(1) **Availability:** The Industrial Rate shall be mandatory for any non-residential customer whose metered demand at any time exceeds 2,500 kVA. If at any time, a non-residential customer's metered demand exceeds 2,500 kVA, all consumption for the billing period in which that occurs, and for the next succeeding eleven billing periods, shall be charged at the Industrial Rate.

(*Ord. No. 4130, 11-27-12*)

(2) **Rate Per Billing Period.** For each monthly billing period, an Industrial Rate customer

(a) shall be charged one hundred fifty-six dollars (\$156.00) as a customer service charge, and

(b) in addition, shall be charged for demand and energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period) a customer shall be charged a demand charge of \$10.40 per kVA of billing demand, and an energy charge of:
\$0.0644 per kWh

(ii) for bills mailed on or between November 1 and June 30 (winter period) a customer shall be charged a demand charge of:

\$7.80 per kVA of billing demand, and an energy charge of:
\$0.0644 per kWh

(Ord. No. 3955, 05-27-08; Ord 3987, 05-12-09; Ord. No. 4130, 11-27-12)

(c) All charges above also shall be subject to the current applicable energy cost adjustment per Sec. 28.102.

(3) **Billing Demand.** The "Billing Demand" shall be the greater of:

(a) The peak fifteen (15) minute demand measured during the current monthly billing period, or

(b) Seventy-five percent (75%) of the peak demand measured during the most recent four months of the summer period; or

(c) Sixty percent (60%) of the peak demand measured during the last eleven billing periods.

(d) Provided, however, that the demand used for billing shall in no case be less than 2,500 kVA after discounts.

(Ord. No. 4130, 11-27-12)

(4) **Minimum Bill.** The minimum monthly bill shall be the customer service charge plus the current demand charge plus the energy charge and energy cost adjustment for 600,000 kWh.

(5) **RESERVED**

(6) **Service Facilities.** The Ames Municipal Electric System shall furnish as a standard installation facilities adequate to supply service at a single point of delivery to a normal load equal to the maximum 15-minute demand of the customer. Each standard installation shall include, where necessary, facilities for one standard transformation and the demand and energy consumption of the entire premises.

(7) **Excess Facility Charge.** In the event service facilities in addition to, or different from, a standard installation are requested by the customer, or are required to serve the customer's load, the Ames Municipal Electric System shall furnish, install, and maintain such facilities subject to the following considerations:

(a) The type, extent, and location of such service facilities shall be determined by agreement between the Ames Municipal Electric System and the customer.

(b) Such service facilities shall be the property of the Ames Municipal Electric System.

(c) The customer shall pay a monthly rental charge on those facilities in excess of the facilities included in a standard installation.

(d) If the optional or nonstandard facilities are used for other customers also, the rental payable by the customer shall be that portion of the total rental which is reasonably assignable to the customer.

(8) **Primary service:** Customers who take service at primary voltage shall be granted discounts to demand and energy as follows:

(a) 1-1/2% of the billing demand and measured energy where metering is on the high voltage side of utility-owned transformers.

(b) 5% of the billing demand and 1-1/2% of the measured energy where metering is on the high voltage side of customer-owned transformers.

(c) A minimum billing demand after discount shall be 2,500 kVA

(Ord. No. 4130, 11-27-12)

(d) Voltages below 8,000/13,800 Y nominal are considered secondary voltage.

(9) **Conditions.** The Industrial Rate shall be subject to the following specific conditions.

(a) the general condition in section 28.101 (1), (2) and (5) and

(b) the following specific conditions:

(i) The customer's total usage on a single premise shall determine whether the customer qualifies for service under this rate structure. In no event will the customer be billed on more than one rate. A premise is defined as the main building of a commercial or industrial establishment, and shall include the outlying or adjacent buildings used by the same provided the use of service in the outlying buildings is supplemental and similar to the service used in the main building.

(ii) Fluctuating loads. If use of energy is intermittent or subject to violent fluctuation, the Ames Municipal Electric System may add to the 15-minute measured demand an amount equal to 65%

of the rated capacity in kVA of the apparatus which causes such fluctuations.

(Ord. No. 2827, 6-15-82; Ord. No. 2832, 9-21-82; Ord. No. 2921, Sec. 1, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4130, 11-27-12)

Sec. 28.107. STREET AND SECURITY LIGHTING RATE & INCIDENTAL UNMETERED ENERGY.

(1) **Availability.** Lighting energy and service shall be available for street and security lighting and other incidental constant-wattage loads where it is not practicable to meter the electrical energy through the customer's normal metering location.

(2) **Rate per Billing Period.** For each monthly billing period the lighting customer:

(a) shall be charged for service per lamp:

(i) for bills mailed on or after **July 1, 2017** :

	Monthly Lamp Charge	Monthly Consumption (kWh per Lamp)
400 Watt - Mercury Vapor	16.38	153
400 Watt - Mercury Vapor-Ornamental	18.82	153
250 Watt - Mercury Vapor	11.34	96
250 Watt - Mercury Vapor-Ornamental	15.39	96
175 Watt - Mercury Vapor	8.94	67
175 Watt - Mercury Vapor-Ornamental	11.34	67
400 Watt - High Pressure Sodium	17.32	153
400 Watt - High Pressure Sodium-Ornamental	18.82	153
250 Watt - High Pressure Sodium	12.12	96
250 Watt - High Pressure Sodium-Ornamental	15.86	96
200 Watt - High Pressure Sodium	11.18	77
200 Watt - High Pressure Sodium-Ornamental	15.24	77
150 Watt - High Pressure Sodium	9.46	60
150 Watt - High Pressure Sodium-Ornamental	11.91	60
100 Watt - High Pressure Sodium	7.33	38
100 Watt - High Pressure Sodium-Ornamental	9.52	38
70 Watt - High Pressure Sodium	6.19	27
70 Watt - High Pressure Sodium-Ornamental	8.48	27
400- LED	13.81	69
400-LED-Ornamental	18.81	69
250-LED	10.77	36
250-LED-Ornamental	15.77	36
150-LED	8.39	24
150-LED-Ornamental	11.89	24
70-LED	5.45	13

Ornamental fixtures are units on poles other than standard round-wood poles.

(Ord. No. 2975, Sec. 1, 5-19-87; Ord. No. 2977, Sec. 1, 6-9-77; Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09; Ord. 4149, 6-25-13)

(b) and all lamps shall be charged any applicable energy cost adjustment, per Sec. 28.102, based on the stated average monthly kWh consumption per lamp.

(Ord. No. 4130, 11-27-12; Ord. 4149, 6-25-13)

(3) **Conditions.** The street and security lighting rate will be subject to 28.101(1) and (5) and the following specific conditions:

(a) New service agreements shall be 3 years minimum

(b) New installations for security lights will be made using standard LED fixtures with a Standard Light Service (see below)

(c) For all street and security lights, a Standard Light Service consists of a standard LED fixture mounted to an existing round-wood pole with a maximum of a 150 foot span of overhead service wire connected to an existing service, or transformer. Standard LED fixtures are grey cobra-head style in the following sizes: 70-LED, 150-LED, 250-LED and 400-LED. Additional costs above what is included in a Standard Light Service are the customer's responsibility.

(d) Flood lights are no longer provided for new installations. Continued service to an existing floodlight will be provided at an additional monthly charge of \$1.50 per fixture added to the respective rate for non-flood-light fixtures. Existing non-LED floodlights requiring maintenance will be replaced with a 250-LED flood light fixture.

(Ord. No. 3885, 07-25-06; Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09; Ord. 4149, 6-25-13)

(e) Existing non-LED fixtures requiring maintenance will be replaced with a standard LED fixture where practicable and available from inventory. Customers desiring a change from a non-LED fixture to an LED fixture before maintenance is required will be charged \$100 per fixture for advanced replacement.

(Ord. No. 2921, Sec. 6, 4-9-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. 4149, 6-25-13)

(4) **INCIDENTAL UNMETERED ENERGY FOR CUSTOMER-OWNED LIGHTING, SIGNS AND OTHER CONSTANT-WATTAGE LOADS**

(a) Where a customer owns lighting, signs, or similar constant-wattage single-phase loads no greater than 2 kVA (2000 volt-amperes) per point of connection and where it is not practicable to meter the energy through the customer's normal metering location, service may be provided under a contract for incidental unmetered energy. To qualify, the customer must provide verification that their electric loads have a constant-wattage, or calculable monthly kWh. The basis for monthly kWh to be billed shall be included in the service contract. Calculated monthly energy will be billed at a rate of \$0.115 per kilowatt-hour plus the applicable energy cost adjustment. Once placed in service, changes to loads served by an unmetered service may only be made following review and approval by the Electric Services Department with an approved amendment to the service contract. A Standard Unmetered Service includes 150' of overhead service wire from an existing transformer or service connection point; additional costs above what is included in a Standard Unmetered Service are the customer's responsibility.

(Ord. No. 3955, 05-27-08; Ord. No. 3987, 05-12-09; Ord. 4149, 6-25-13)

Sec. 28.108. OPTIONAL TIME-OF-USE (TOU) INDUSTRIAL ELECTRIC RATE AND CHARGES.

(1) **Availability:** The Industrial Time-of-Use (TOU) Electric Rate shall be voluntary for any non-residential customer whose metered demand at any time exceeds 2,500 kVA. Service under this rate schedule is billed on a Time-of-Use (TOU) basis as provided under these rules established by Electric Services. The Optional Time-of-Use Industrial Electric Rate is an alternative to, and at the customer's discretion replaces, Section 28.107 (1)

Availability. Customers opting for inclusion on the Optional Time-of-Use (TOU) Industrial Electric Rate are required to remain on the rate for a period no less than twelve consecutive calendar months.

(Ord. No. 4130, 11-27-12)

(2) **Intent:** Electric Services is a summer peaking electric utility, and as such, the cost to deliver electricity is generally most expensive and detrimental to generation and distribution systems during hours of greatest demand. The utility, and the community of Ames, benefit when large electric users are encouraged to reduce their demand during these times. A Time-of-Use (TOU) Rate is a pricing strategy whereby Electric Services may vary the price of electricity depending on the time-of-day it is delivered to the customer. Prices encourage the customer to use electricity during times of low demand and discourage use during the peak times of the day. Time-of-Use (TOU) pricing allows Electric Services to better control costs and mitigate any negative system impacts related to times of peak demand.

(3) **Definitions:**

(a) **Time-of-Use (TOU):** A specifically identifiable period of time during a twenty-four hour day used for establishing a pricing strategy aimed at reducing the overall demand for electricity.

(b) **Peak:** The greatest fifteen (15) minute demand for electricity measured during the current billing period.

(c) **Billing Demand:** Highest metered kilovolt-amp (kVA) electric use, in a billing period measured between the hours of 3pm and 7 pm Monday through Thursday, over the billing period. If, however, a higher kVA electric use is set during a required Interruption (see Section 28.108 (5)), this will result in a **Billing Demand** set outside of the Monday – Thursday window.

(d) **Holidays:** Federally observed Holidays.

(e) **On-Peak Energy:** Electricity, measured in kilowatt hours, used Monday through Friday between the hours of 8:00 am and 8:00 pm.

(f) **Off-Peak Base Energy:** Electricity, measured in kilowatt hours, used Monday through Friday between the hours of 8:00 pm and 8:00 am, and all day Saturday, Sunday and **Holidays**, up to the established monthly **Billing Demand**.

(g) **Off-Peak Time-of-Use Energy:** Electricity, measured in kilowatt hours, used Monday through Friday between the hours of 8:00 pm and 8:00 am, and all day Saturday, Sunday and **Holidays**, in excess of the established monthly **Billing Demand**

(h) **Summer period:** Bills mailed on or between July 1 and October 31.

(i) **Winter period:** Bills mailed on or between November 1 and June 30.

(j) **Energy Cost Adjustment (ECA):** The Energy Cost Adjustment (ECA) is a billing component that allows the utility to reflect fluctuations in the cost of fuel for the power plant without frequently changing the standard energy charges. The ECA is simply the difference between actual fuel costs for the past twelve months and the base fuel cost added to every metered kilowatt-hour (kWh).

(4) **Rate Per Billing Period:** For each monthly billing period, an Industrial customer participating in the Optional Time-of-Use (TOU) Electric Rate shall be charged:

(a) the Service Charge of two hundred fifty dollars (\$250.00);

(b) the Demand Charge and the Energy Charge for the energy consumption during the billing period as follows:

(i) for bills mailed on or between July 1 and October 31 (summer period):

- 1) the **Billing Demand** times the billing rate of \$10.40 per kVA, and
- 2) the **On Peak, Energy** times the billing rate of \$0.0644 per kWh,
- 3) the **Off Peak, Base Energy** times the billing rate of \$0.0644 per kWh,
- 4) the **Off Peak, Time-of-Use Energy** times the billing rate of \$0.04 per kWh,

(ii) for On-Peak bills mailed on or between November 1 and June 30 (winter period):

- 1) the **Billing Demand** times the billing rate of \$7.80 per kVA, and
- 2) the **On Peak, Energy** times the billing rate of \$0.0644 per kWh,

- 3) the **Off Peak, Base Energy** times the billing rate of \$0.0644 per kWh,
 - 4) the **Off Peak, Time-of-Use Energy** times the billing rate of \$0.04 per kWh,
- (Ord. No. 3955, 05-27-08; Ord 3987, 05-12-09; Ord. No. 4130, 11-27-12)

(c) the applicable Energy Cost Adjustment (ECA) per Sec. 28.102, and
 (Ord. No. 4130, 11-27-12)

(d) any applicable bill impacts of Section 28.107 (3) Billing Demand, (4) Minimum Bill, (6) Service Facilities, (7) Excess Facilities, (8) Primary Service, and (9) Conditions.

(5) **Interruptible Option:** For each summer monthly billing period, an Industrial customer participating in the Optional Time-of-Use (TOU) Electric Rate may, at Electric Services' discretion,

(a) on at least a 6 hour notice, be required to reduce demand to that equal to, the previous **Billing Demand** two months prior at any time Monday at 8:00 am through Saturday before 8:00 pm,

(i) the actual demand during the interruption period will be used as the **Billing Demand** for the month if it is higher than the highest metered kilovolt-amp (kVA) electric use, in a billing month measured between the hours of 3 pm and 7 pm Monday through Thursday, over the billing period.

(b) the duration of the interruption will be up to 4 hours in length

(c) maximum number of occurrences per month (3)

(6) **Noncompliance Penalty:** If at any time during participation in the Optional Time-of-Use (TOU) Electric Rate the customer's On-Peak demand exceeds one hundred thirty (130) percent of their ninety (90) day rolling average peak, the customer will be charged a penalty of \$5 per kVA on the current billing period's billing demand.

(Ord. No. 4213, 4-28-15)

Sec. 28.109. Renewable Energy Buyback Rates.

Renewable electrical energy produced by an Ames Electric Utility customer and delivered to the City's electric system (in accordance with the conditions of service specified in Section 2.7 of Appendix H of the Ames Municipal Code) shall receive a credit to their utility account as follows:

(1) **Residential service.** A residential rate customer's account shall be credited:

(a) 40% of \$0.1213, plus \$0.025 = \$0.0735 per kWh of delivered energy for bills mailed on or between July 1 and October 31 (summer period)

(b) 40% of \$0.1005 per kWh, plus \$0.025 = \$0.0652 per kWh of delivered energy for bills mailed on or between November 1 and June 30 (winter period)

(2) **Small Commercial service.** A small commercial service customer's account shall be credited:

(a) 40% of \$0.1194, plus \$0.020 = \$0.0678 per kWh of delivered energy for bills mailed on or between July 1 and October 31 (summer period)

(b) 40% of \$0.0986 plus \$0.020 = \$0.0594 per kWh of delivered energy for bills mailed on or between November 1 and June 30 (winter period)

(3) **Commercial service.** A commercial service customer's account shall be credited at 50% of \$0.0644, plus \$0.015 = \$0.0472 per kWh of delivered energy

(4) **Industrial service.** An industrial service customer's account shall be credited at 63% of \$0.0644, plus \$0.010 = \$0.0506 per kWh of delivered energy.

(Ord. No. 4287, 1-10-17)(Ord. No. 4314, 6-27-17)

DIVISION II
WATER SERVICE

Sec. 28.201. WATER RATES AND CHARGES

The rates and charges for water supplied to consumers by the water utility of the city, to be billed on or after July 1, 2021 are as follows:

(1) **Residential Rates.**

(a) **Availability.** The residential rate shall apply to all customer accounts within the Ames corporate limits serving properties that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, provided that such accounts consist of no more than two dwelling units served by a single water meter or to multiple unit residential structures (such as apartment buildings) where every dwelling unit is separately metered. The rate does not apply to domestic uses that consist of more than two dwelling units served by a single meter or to water accounts that provide service for common areas such as shared laundry facilities or for general property maintenance.

- (b) **Rate per billing period.** For each monthly billing period a residential rate customer:
- (i) shall be charged a minimum charge based on meter size, and in addition
 - (ii) shall be charged for water usage during the billing periods as follows:
 - (a) for bills mailed on or between July 1 and October 31 (summer period):
\$0.0257 per cubic foot for the first 1000 cubic feet of usage
\$0.0454 per cubic foot for the next 1500 cubic feet of usage
\$0.0682 per cubic foot for all usage over 2500 cubic feet
 - (b) for bills mailed on or between November 1 and June 30 (winter period):
\$0.0257 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4437, 4-27-21)

(2) **Non-residential (Commercial) Rates**

(a) **Availability.** The non-residential rate shall apply to all accounts that do not meet the criteria for residential, irrigation and yard water, rural water, or non-peaking industrial rates.

- (b) **Rate per billing period:** For each monthly billing period a non-residential customer:
- (i) shall be charged a minimum charge based on meter size, and in addition
 - (ii) shall be charged for water usage during the billing periods as follows:
 - (a) for bills mailed on or between July 1 and October 31 (summer period):
\$0.0337 per cubic foot
 - (b) for bills mailed on or between November 1 and June 30 (winter period):
\$0.0257 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4437,4-27-21)

(3) **Non-Peaking Industrial Rate.**

(a) **Availability.** The non-peaking industrial rate shall be available to all non-residential rate customers who meet the following criteria:

(i) Average winter usage greater than 100,000 cubic feet per billing period. Average winter usage per billing period will be calculated by taking the sum of the usage during the most previous December, January, and February billing periods and dividing by three.

(ii) **A summer peaking factor equal to or less than 120%.** The summer peaking factor shall be computed by taking the largest consumption billed during the most recent summer billing periods (bills mailed July, August, September, and October) and dividing it by the average winter usage, with the result expressed as a percentage.

(b) **Rate per Billing Period.** For each monthly billing period a non-peaking industrial rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):
\$0.0257 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):
\$0.0257 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4437, 4-27-21)

(4) **Irrigation and Yard Water Service Rate.**

(a) **Availability.** The irrigation and yard water rate shall apply to all separately metered water uses that meet one of the following criteria:

(i) Serves primarily outdoor water uses, such as irrigation systems and outside hose bibs.

(ii) Serves cooling towers, spray ponds, evaporative condensers, chillers, or such similar uses where water is used as a medium for cooling.

(iii) Serves as a temporary water service, whether for irrigation purposes or for other outdoor uses.

(b) **Rate per Billing Period.** For each monthly billing period an irrigation and yard water rate customer:

(i) shall be charged a minimum charge as described below, and in addition

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0371 per cubic foot for the first 2000 cubic feet of usage

\$0.0682 per cubic foot for the next 3000 cubic feet of usage

\$0.1137 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0257 per cubic foot

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4437, 4-27-21)

(5) **Rural Water Rate.**

(a) **Availability.** The rural water rate shall apply to all customer accounts outside the Ames corporate limits, except those covered by a separate wholesale contract or agreement for service.

(b) **Rate per billing period.** For each monthly billing period, a rural water rate customer:

(i) shall be charged a Rural water minimum charge based on meter size.

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0427 per cubic foot for the first 2000 cubic feet of usage

\$0.0785 per cubic foot for the next 3000 cubic feet of usage

\$0.1307 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0296 per cubic foot for all consumption

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4437, 4-27-21)

(6) **Water Rate and Charge Adjustments.** It shall be the duty of the director of water and pollution control to review and recommend to the city council revisions of the rates and charges established and set out in this division at intervals appropriate to provide for the funding needs of the utility.

(7) **Minimum charges.** For each monthly billing, each customer shall be charged a minimum monthly charge based on the size of the water meter (s) and/or irrigation meter (s) at each location. The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer’s initial and/or final bills, provided that in no case shall the minimum monthly charge be less than six dollars and thirty-one cents (\$6.31).

The minimum monthly charge for each water meter location shall be as follows:

Size of Meter	Residential, Non-residential, Non-peaking Industrial, and Irrigation Accounts	Yard Water Accounts	Rural Water Accounts
5/8" or 5/8"x3/4"	13.15	4.98	15.13
3/4 inch	26.29	7.73	30.24
1 inch	52.60	10.77	60.49
1-1/2 inch	105.20	14.86	120.99
2 inch	210.40	19.75	241.96
2 inch, battery of 2	407.53	--	468.66
2 inch, battery of 3	604.74	--	695.45
3 inch	420.71	25.69	483.82
4 inch	709.91	31.94	816.39
6 inch	1,183.17	38.25	1,360.65
8 inch	2,366.34	44.57	2,721.28
10 inch	3,549.50	50.41	4,081.93

(Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord No. 4-27-2021)

(8) **Multiple dwellings – Mobile home parks.** Multiple dwellings, including mobile home parks, may be serviced from a single water meter. However, there shall be a surcharge added to the water rates set forth above, to be calculated as follows:

- For a 5/8 inch meter serving 2 or more dwelling units..... 3.78/month/unit
- For a 3/4 inch meter serving 4 or more dwelling units..... 3.78/month/unit
- For a 1 inch meter serving 8 or more dwelling units..... 3.78/month/unit
- For a 1-1/2 inch meter serving 16 or more dwelling units..... 3.78/month/unit
- For a 2 inch meter serving 30 or more dwelling units..... 113.27/month
for the first 30 units plus \$5.88/month per unit
for each additional unit in excess of 30 units
- For a 3 inch or larger meter serving any number of dwelling units 5.20/month/unit

For the purposes of this section, a dwelling unit is defined as a self-contained living facility (i.e., including kitchen and bath) such as an apartment or a licensed independent mobile home space.

(a) For rural customer accounts outside the Ames corporate limits, the multiple unit charges shown above shall be multiplied by a factor of 1.15.

(Ord. No. 2338, Sec. 1, 4-28-70; Ord. No. 2412, Sec. 2, 9-5-72; Ord. No. 2461, Sec. 3, 12-18-73; Ord. No. 2653, Sec. 2, 5-2-78; Ord. No. 3167, Sec. 1, 4-28-92; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3278, Sec. 1, 5-24-94; Ord. No. 3326, Sec. 1, 5-9-95; Ord. No. 3568, 6-27-00; Ord. No. 3995 06-23-09; Ord. No. 4010, 9-22-09; Ord. No. 4037, 5-11-10; Ord. No. 4112, 05-22-12; Ord. 4144, 5-14-2013; Ord. No 4215, 5-12-15; Ord. No. 4351, 5-8-18; Ord. No. 4382, 4-9-19; Ord. 4408, 4-14-20; Ord. No. 4-27-2021).

(9) **Unintentional Summer Water Use.** During the summer billing periods, the City Manager or the Manager's designee shall have the authority to approve an adjustment to a customer's water, yard water, or irrigation charges if there was unintentional water usage as the result of a malfunction of an appliance or a plumbing fixture (e.g. water heater, washing machine, toilet, or irrigation system) and the unintentional usage exceeds the customer's average summer usage by at least one thousand cubic feet. To be eligible for an adjustment, the customer must provide documentation from the person who repaired the malfunction (e.g. plumber, maintenance worker) which describes the cause of the malfunction and the action taken to correct the malfunction. The amount of the adjustment shall not exceed the difference between the actual water, yard water, or irrigation charges billed and the charges that would have been billed using the winter rate.

(Ord. No. 4327, 11-28-17)

Sec. 28.202. WATER SERVICE, CONNECTION CHARGE.

(1) **Generally.** There is established hereby, as a fee for connection to the water main, such charge as the City Council shall by resolution set for the property served by and adjacent to the main, provided that no water utility special assessment connection fee has been imposed previously with respect to said land and the main was financed with funds of the City.

(a) **Rural water connections.** If an existing water main is adjacent to a rural property, rural water customers shall pay a fee for connection to the water main as provided generally above. If no main is adjacent to the property, the City will construct a temporary water service line to property to be used until such time as a water main is constructed adjacent to the property. The rural customer shall pay the entire actual cost for design and installation of the temporary line in accord with the City's engineering fee schedule then in effect. Additionally, at such time as a main becomes adjacent to the property, the rural customer shall be required to connect to that main and shall pay a fee for connection to that main in accordance with the connection fee schedule then in effect.

(Ord. No. 4010, 9-22-09)(Ord. No. 4327, 11-28-17)

Sec. 28.203. METERS FURNISHED AND OWNED.

(1) All water meters shall be furnished and owned by the City. The customer shall pay for the water meter(s) according to the current schedule of fees for meter installation as stated in Appendix Q of the Municipal Code.

(2) The type and size of meter(s) to be installed may be reviewed with the customer or customer's representative, but the Water and Pollution Control Department shall have final authority to select the meter(s) considered most appropriate for the proposed installation. No water meter shall be set nor shall the water service be turned on unless the location and setting comply with the code and all fees and deposits have been paid. If any customer requests a meter for a new installation, and has any unpaid fees or charges for other locations, no new meters shall be set until all fees and charges are paid in full.

(3) Locations with irrigation systems may be required to install a separate meter, and have a separate

utility account for the irrigation system. The requirement for a separate meter will be based on maintaining accuracy and accountability and will be determined by the Water and Pollution Control Department.

Water Meter Sizing Guide

Maximum Number of Fixture Units As Determined from UPC Table 6-4 to Size Service Lines and Meters	Normal Operating Flow Range In gallons per minute (gpm)	Meter Size Typical Residential and Commercial Applications with Flush Tanks
29	¼ - 20	5/8" x 3/4" Positive Displacement
52	¼ - 30	3/4" Positive Displacement
125	½ - 50	1" Positive Displacement
275	1 - 80	1½" Positive Displacement or Ultrasonic

(Ord. No. 854, Sec. 45; Code 1956, Sec. 31-45; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 4327, 11-28-17)

Sec. 28.204. METER TO REMAIN WHERE INSTALLED

(1) The water meter(s) shall remain at the address in which installed and shall remain in the same location as first installed unless the relocation is approved by the Water Meter Division. In the event the owner or occupant moves from the building, the meter(s) remains with the building. If the building is demolished or moved from the lot, the meter(s) shall be removed and returned to the City. If the building is moved to another location, the owner shall pay applicable meter fees for the new location.

(2) Meter fees will also be charged for the new meter(s) set at the previous location. This meter fee may be prorated if the new meter(s) is set within six months of the notice to the Finance Department to discontinue service.

(3) Only employees of the Water Meter Division are authorized to remove meters except as provided in Section 28.210(2). A resetting fee at the current rate stated in Appendix Q of the Municipal Code, shall be assessed for removal of a meter without authorization.

(Ord. No. 854, Sec. 46; Code 1956, Sec. 31-46; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 4327, 11-28-17)

Sec. 28.205. LOCATION AND ACCESSIBILITY

(1) **Basement mechanical room.** The water meter(s) shall be located in the basement or mechanical/utility room if one is provided. The water meter shall be placed where the water service line comes through the basement wall or basement floor. Where no basement is provided, the meter(s) shall be placed where the service line comes through the floor of the utility room. Meters shall be indoors and protected from freezing. A floor drain shall be located in the room containing the meter(s). Meters cannot be located above the first or ground floor level under any conditions. Only the individual water meter(s) serving a dwelling unit can be located within the private occupancy space of that dwelling unit.

(2) **Multi-family dwellings.**

(a) In a duplex, the preferred meter location is in a joint basement or mechanical room. If this is not possible, individual meter(s) must be in the private occupancy area (utility room, for example) of that dwelling unit.

(b) In multi-family dwellings on one level, the preferred meter location is in a joint mechanical, utility, or meter room. However, with prior approval, individual meters may be located in the utility room of each dwelling unit.

(c) In multi-family dwellings on more than one level, meters shall be located in mechanical/utility or

meter room in the basement or first floor level of the building where the service line comes through the wall or floor. Individual meters are prohibited from being located in each apartment's utility room. A floor drain must also be provided in the mechanical or meter room.

(3) **Meter setting height.** Single water meters shall be set at a height not less than 30 inches and not more than 42 inches above the finished floor. A minimum of 18 inches of clear space is required above and below the meter, and a minimum of 36 inches of clearance is required in front of the meter for maintenance purposes.

(a) Multiple water meters may be stacked vertically, and offset, within general limits of not less than 20 inches and not more than 48 inches above the finished floor. A scaled drawing of the proposed manifold installation shall be submitted to the Water and Pollution Control Department for review and approval. A master shut-off valve shall be provided where the meter manifold is connected to the building's domestic water service. The meter manifold shall be located in a common mechanical room accessible for meter maintenance and reading purposes. The piping on the discharge side of each meter shall be permanently labeled for the corresponding unit served. For commercial installations, access to the meter room by means of an exterior door is recommended. Refer to the Reference Guide for Obtaining Permits and Utility Services for New Construction for an example of a typical manifold installation.

(b) When a backflow assembly for containment is installed where a meter manifold is present, the assembly shall be installed according to the requirements of Section 5.208. (8)(b)(viii) of the Municipal Code.

(c) For manifold installations where non-metallic pipe is used for supply piping, a minimum of 24 inches of rigid pipe shall be installed on the vertical rise on the discharge side of the water meter. The discharge piping shall be attached directly to the wall to maintain proper spacing and alignment for the meter setting.

(4) **Accessibility.** All water meters shall be in an accessible location. There shall be no obstruction or storage of other materials preventing access to the meter. The meter shall not be placed above or behind a furnace, water heater, washer or dryer, or other such arrangement limiting access to the meter. For meters one inch and smaller, a minimum of 18 inches of clearance above and below the meter and a minimum of 36 inches in front of the meter is necessary for meter maintenance and routine change. For meters larger than one inch, a minimum of 24 inches of working clearance above and below and 36 inches in front of the meter is necessary for maintenance purposes.

(Ord. No. 3199, Sec. 1, 9-24-92)

(5) **Access Granted.** As a condition of service, all customers must consent to provide access to the property for the purposes of meter reading, and to perform routine and emergency service and maintenance of the water meter. Failure or refusal to grant access may result in termination of water service. *(Ord. No. 4010, 09-22-09)*

(Ord. No. 4327, 11-28-17)

Sec. 28.206. METER VALVES

There shall be an inverted key, ringstyle, locking-type water meter valve of 'Ford KV-23-W' pattern, or its equivalent, attached to every water service pipe inside the building wall, the valve to be set not less than two and one-half feet above the finished floor. There shall also be a valve installed on the discharge side of each meter.

(Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 4327, 11-28-17)

Sec. 28.207. METER ACCESSORIES

(1) **Bypass.** A valved bypass line shall be provided for every commercial water meter installation 5/8" x 3/4" inch and larger so that the meter can be removed without interrupting service to the customer. All valved bypass lines shall be equipped with a ball valve with a locking mechanism which shall be closed and sealed by the Water Meter Division. If the seal is broken for any reason except as may be authorized by the Water Meter Division, the customer shall be billed for unauthorized use of water at the current rate stated in Appendix Q of the Municipal Code.

(2) **Jumper wire.** All water services constructed of metallic pipe material shall have a jumper wire installed around the water meter to ground the water piping when the water meter is removed for testing or maintenance. A jumper wire is not required where meter installations are equipped with a meter bypass constructed of metallic pipe material. The use of the water service as a primary ground for the electrical, telephone, cable TV, or other systems is prohibited. In the event the water service is constructed of non-metallic pipe material, neither primary nor secondary grounding is permitted. If a water service is constructed of non-metallic pipe material, a jumper wire is not required.

(3) **Water Meter Supports.** If a water service is constructed of non-metallic pipe material, the water meter shall be supported or mounted in an approved manner at the location specified in Sec. 28.205. Acceptable supports include a shelf attached/anchored to the building wall or a steel support anchored in the concrete floor. The support shall be of sufficient strength to hold the weight of the meter and accessories. A temporary support may be used for construction meters.

(Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.208. METER PITS

Meter pits will generally not be approved because of the difficulty and safety hazards in meter reading and maintenance. For meter installations one-inch and smaller, pre-fabricated meter pits which do not require entry may be approved by the Water and Pollution Control Department. Installations for meters larger than one-inch, especially those requiring a backflow prevention assembly, shall be installed above grade in an enclosed structure and insulated and/or heated to prevent freezing.

(Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.209. RADIO READ DEVICE

(1) **New meter installations.** All new water meter installations shall have a radio read device. Any residential dwelling units located within the City of Ames municipal electric service territory may have the radio read device located inside the dwelling. All commercial buildings, located within the City of Ames municipal electric service territory, and any residential or commercial buildings located outside of the City of Ames municipal electric utility territory, shall install, for each meter, a 22/3 gauge, stranded, shielded wire with plastic sheath from the water meter on the inside of the building to within three feet of the electric meter on the outside of the building. Meters located in meter pits or vaults shall have the radio read device located inside the pit or vault, or located in a pedestal near the meter pit or vault. If the electric meter is located on a transformer, or other remote location, the wiring for the radio read device shall terminate on the side of the building nearest the transformer or remote location. A minimum of three feet of excess wire shall be left at each end to allow connection to the water meter and installation of the radio read device. Any portion of the wire that will not be exposed (i.e. installed behind finished walls, above finished ceilings, etc.) shall be placed in conduit to protect the wire from damage and to facilitate replacement if necessary. The City will provide and install the radio read device and connect it to the customer-installed wire. *(Code 1956, Sec. 31-29.1; Ord. No. 2073, Sec. 1, 5-11-65; Ord. No. 2416, Sec. 2, 9-26-72; Ord. No. 3199, Sec. 1, 9-24-92)*

(2) **Rural Water customer remote readers.** Rural customers shall provide a mounting location for a radio read device that will facilitate easy access for meter reading. For locations that are served by the City of Ames municipal electric utility, the radio read device shall be placed within three feet of the electric meter wherever practical. Alternate locations and installation requirements shall be approved by the Water and Pollution Control Department prior to installation of the water meter.

It shall be the responsibility of the customer to maintain an adequate clearance around the remote reading device to prevent landscaping, snow drifts or piles, or other obstructions from interfering with access to the radio read

device for meter reading, service, or maintenance.

(Ord. No. 4010, 09-22-09)

(Ord. No. 4327, 11-28-17)

Sec. 28.209A. RURAL CUSTOMER BACKFLOW PREVENTION. For all water customers outside the Ames corporate limits, a reduced pressure principle backflow prevention assembly (RP) shall be required for containment.

(1) **Location.** The (RP) shall be installed directly after the meter.

(2) **Installation.** It is the responsibility of the customer to provide this device and it shall be installed by a plumber licensed by the City of Ames pursuant to a plumbing permit acquired from the City of Ames, and installed in compliance with all Plumbing codes applicable in the City of Ames.

(3) **Maintenance/Testing.** The (RP) shall be tested upon installation and at least annually thereafter by a registered backflow prevention assembly technician. Results of all backflow prevention assembly test reports shall be submitted to the Water Meter Division within 10 working days of when the device was tested.

It is the responsibility of the customer to maintain the (RP).

If backflow occurs at a rural water location, the customer shall comply with provisions of Ames Municipal Code Sec. 28.209 (b).

Failure to perform the required testing at least annually, or to maintain the device in good repair, may result in termination of service.

(Code 1956, Sec. 31-29.1; Ord. No. 2073, Sec. 1, 5-11-65; Ord. No. 2416, Sec. 2, 9-26-72; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4010, 09-22-09; Ord. No. 4327, 11-28-17)

28.209B. CROSS-CONNECTION CONTROL. Section 603 of the Uniform Plumbing Code (UPC), 2021 Edition, as published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, California 91761-2816, is hereby adopted by reference with amendments as the Cross-Connection Control standards. The adopted provisions of the 2021 Uniform Plumbing Code (UPC), are amended as follows:

(1) **Section 603.1 General** is amended by adding subsections 603.1.a through 603.1.q as follows:

(a) **Purpose.** The purpose of these containment regulations is:

(i) to protect the City of Ames Public Water Supply (PWS) from the possibility of contamination or pollution by containing within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the PWS; and

(ii) to provide for the maintenance of a continuing program of containment that will systematically and effectively prevent the contamination or pollution of the PWS.

(b) **Applicability.** These containment regulations apply to all City of Ames Water Utility customers within city limits.

(c) **Penalty.** A violation of any provision of the Cross-Connection Control standards shall be a municipal infraction punishable by a penalty of \$500 for a first offense, a penalty of \$750 for a second offense, and \$1,000 for each succeeding offense.

(d) **Definitions.** As used in this section:

- (i) **Approved Backflow Prevention Assembly For Containment:** A backflow prevention assembly which is approved by the University of Southern California - Foundation for Cross-Connection Control and Hydraulic Research. The backflow prevention assembly must also be listed by the International Association of Plumbing and Mechanical Officials, the American Society of Sanitary Engineering, or an equivalent listing. The approval and listing requirements do not apply to an air gap used as an approved backflow prevention assembly for containment.
- (ii) **Auxiliary Water Supply:** Any source of water that is available to the customer over which the City of Ames water utility does not have sanitary control to reduce pollution, contamination, or other conditions that make that source of water unacceptable as a potable water supply, such as, but not limited to:
 - (A) a public or private water supply other than the City of Ames water utility, or
 - (B) public or private wells, or
 - (C) lakes, naturally-fed ponds, storm water basins, and flowing waters (rivers, creeks, etc.) from which water is drawn.
- (iii) **Available to the Customer:** The water utility customer has authority to use, or direct the use of, the auxiliary water supply by virtue of ownership, contract, or other arrangement for control.
- (iv) **Commercial/Industrial Fluid:** Any liquid, gas, or solution that is a chemical, biological, or other substance in a form, quantity, or concentration that would constitute a hazard (health or non-health) if introduced into the public water supply, such as, but not limited to:
 - (A) polluted or contaminated waters; or
 - (B) all types of process and used waters (waters which originated from the public water supply but may have deteriorated in sanitary quality); or
 - (C) chemicals in fluid form; or
 - (D) plating acids and alkalis; or
 - (E) circulated cooling waters (except for those solely used for air conditioning); or
 - (F) oils, gases, caustic and acid solutions; or
 - (G) other liquid and gaseous fluids used industrially, agriculturally, commercially, or for other non-domestic purposes.
- (v) **Commercial/Industrial Fluid System:** Any system used by the water utility customer to store or utilize any commercial/industrial fluid in a manner that may constitute a hazard (health or non-health) to the public water supply, such as, but not limited to:
 - (A) car washes; or
 - (B) microbreweries; or
 - (C) chlorinators; or
 - (D) clean-in-place systems; or
 - (E) bulk fluid storage with remote dispensing (motor oil, antifreeze, etc.); and
 - (F) injection molding with integral heating and cooling.

However, commercial/industrial fluid systems do not include:

- (A) fuel gas (propane or natural gas) systems; or
 - (B) air conditioning, cooling, refrigeration, and similar systems using only Freon or similar refrigerants; or
 - (C) sanitary sewer, rainwater, or storm sewer lines; and
 - (D) boilers.
- (vi) Containment: A method of backflow prevention which requires the installation of a backflow prevention assembly at the water service connection.
 - (vii) Hazard, Degree of: The rating of a cross-connection or service connection which indicates if it has the potential to cause contamination or pollution. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
 - (viii) Hazard - Health: A hazard upon the PWS involving any substance that, if introduced in the potable water supply, could cause death, illness, spread disease, or have a high probability of causing such effects.
 - (ix) Hazard - Non-health: A hazard upon the PWS involving any substance that generally would not be a health hazard but, if introduced into the PWS, could cause a nuisance by introducing color, taste or odor, or would alter the quality of the PWS physically, chemically, or biologically.
 - (x) Permanent Swimming Pool: A pool or tub with a capacity of 1,000 gallons or more of chemically treated water that has a filtration system with a pump and rigidly supported walls/sides. Above-ground movable pools and tubs that meet the above criteria shall be deemed “permanent swimming pools.”
 - (xi) Registered Backflow Prevention Assembly Technician (Technician): A person who is registered by the State of Iowa to test or repair backflow prevention assemblies and report on the condition of those assemblies.
 - (xii) Service Connection: The terminal end of the pipe connected to, directly or indirectly, the City of Ames water main; that is, the point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Service connections shall also include, but not be limited to, a temporary water service connection from a fire hydrant and all other temporary or emergency water service connections from the public water system.
 - (xiii) Thermal Expansion: Volumetric increase of water due to heating resulting in increased pressure in a closed system.

(e) **Administrative Authority.**

- (i) The Administrative Authority is the Ames City Council acting through such persons or departments as the City Council shall designate.
- (ii) The Administrative Authority shall have the right to enter, with the consent of the customer or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any

property to determine if the conditions for a partial or total exemption have been satisfied or if a backflow prevention assembly has been properly installed for containment.

- (A) All backflow prevention assemblies shall be available for City inspection within 24 hours.
- (B) The entrance to the property to determine if the conditions for a partial or total exemption have been satisfied will not be necessary if the customer has properly installed, tested, and maintained an approved RP or air gap on every and all service connections serving the customer's premises.
- (iii) The Administrative Authority may collect fees for the administration of this program.
- (iv) The Administrative Authority shall maintain records of containment hazard surveys, and of the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

(f) Where Containment Is Required.

- (i) A reduced-pressure principle backflow prevention assembly (RP) or air gap is required for containment for every direct or indirect service connection unless such connection:
 - (a) qualifies for a total or partial exemption; or
 - (b) supplies a fire protection system.
- (ii) A DC may be installed for containment in place of an RP or air gap when a partial exemption is granted.
- (iii) A partial exemption shall be granted only if all of the following conditions precedent are met:
 - (A) The entire facilities are within the scope and applicability of the plumbing regulations of the City of Ames, Iowa; and
 - (B) All water uses are protected by the “isolation” provisions of Chapter 6 of the Uniform Plumbing Code; and
 - (C) There are no auxiliary water supplies; and
 - (D) There are no solar heating systems; and
 - (E) There are no permanent swimming pools; and
 - (F) There are no commercial/industrial fluid systems; and
 - (G) The entire facilities and all pertinent circumstances and conditions are fully accessible for inspection by representatives of the City’s Water and Pollution Control Department.
- (iv) No backflow prevention assembly is required for containment when a total exemption is granted.
- (v) A total exemption shall be granted when a partial exemption has been granted and all of the following conditions precedent are met:
 - (A) There is only one service connection, not including services for fire protection systems; and
 - (B) The facility is less than four stories above grade.

- (vi) Failure of the Administrative Authority to notify a customer that they do not qualify for an exemption and that they shall install backflow prevention assemblies for containment shall in no way relieve a customer of the responsibility to comply with all requirements of these regulations.
- (vii) The Director of the City of Ames Water and Pollution Control Department may require installation of an air gap, by and at the customer's sole expense, at the service connection where records indicate a history of threat to the public water supply system because of inappropriate handling of health hazard substances or actual backflow into the PWS.

(g) New Service Connections

- (i) Plans shall be submitted to the Administrative Authority for review on all new service connections in order to determine if a partial or total exemption shall be granted.
- (ii) The Administrative Authority shall require the installation of the appropriate backflow prevention assembly for containment before the initiation of water service.

(h) Fire Protection Systems

- (i) A backflow prevention assembly to be used in a fire protection system shall meet the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL) and the requirements of the fire code and the building code of the City of Ames, in addition to the requirements of paragraph 28.209A(1)(a)(2)(a). Assemblies sized smaller than 2-1/2 inches which have not been tested by FM and listed by UL may be allowed if approved by the City of Ames Fire Department Chief.
- (ii) An RP shall be installed on all new and existing fire protection systems which the Administrative Authority determines to have any of the following:
 - (A) Interconnections with auxiliary supplies such as reservoirs, rivers, ponds, wells, mills, or other industrial water systems; or
 - (B) Use of antifreeze or other additives in the fire protection system unless an RP is used to isolate the loop or branch containing antifreeze or other additives when a DC is installed at the service connection; or
 - (C) Any other facility, connection, or condition which may cause contamination
- (iii) A DC will be required for all other fire protection systems. The DC shall be required on all new systems at the time of installation and on existing systems at the time that they are modified.

- (i) **Portable Tanks.** Portable tanks and vessels shall be filled through a properly installed and maintained backflow prevention assembly or vacuum breaker.

(j) Installation of Backflow Prevention Assemblies

- (i) All backflow prevention assemblies for containment shall be installed so that they are accessible for testing as stated in the UPC at **Section 603.4.3** thereof. The installation shall

also provide the same clearances as called for the water meter in the City of Ames Municipal Code, Section 28.205.(3).

- (ii) The required backflow prevention assemblies for containment shall be installed in horizontal plumbing immediately following the meter or as close to that location as deemed practical by the Administrative Authority unless approved in writing by the Administrative Authority. In any case, it shall be located upstream of any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly and the water main, and to protect the water supply system from contamination or pollution within the premises.
 - (iii) If hot water is used within the water system, thermal expansion shall be provided for when installing a backflow prevention assembly for containment.
 - (iv) If interruption of water service during testing and repair of backflow assemblies for containment is unacceptable to the customer, another backflow prevention assembly for containment, sized to handle the temporary water flow needed during the time of test or repair, shall be installed in parallel piping.
- (k) **Removal of Backflow Prevention Assemblies.** The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence that the customer qualifies for an exemption.
- (l) **Testing of Backflow Prevention Assemblies.** When water service has been terminated for non-compliance, the backflow prevention assembly for containment shall be repaired or replaced and then tested prior to the resumption of water service.
- (m) **Backflow Incidents**
- (i) The customer shall immediately notify the Administrative Authority when the customer becomes aware that backflow has occurred in the building, property, or private water system receiving water service.
 - (ii) The Administrative Authority may order that water service be temporarily shut off when backflow occurs in a customer's building, property, or private water system. Such shut off is to protect the system from further contamination or pollution and to allow time for locating and mitigating the cause and extent of the contamination or pollution.
- (n) **Existing Backflow Prevention Assemblies For Containment.** All backflow prevention assemblies for containment installed prior to November 1, 1996, that do not meet the requirements of these regulations but were approved testable assemblies for the purpose described herein at the time of installation and that have been properly installed and maintained, shall, except for the testing, inspection, and maintenance requirements under Section (x) and Section (xi), be excluded from the requirements of these rules so long as the Administrative Authority is assured that they will

satisfactorily protect the PWS. Whenever the existing assembly for containment is moved from the present location, requires replacement, or when the use of the service area protected by the assembly changes so that the Administrative Authority determines that the customer no longer qualifies for a partial exemption, the unit shall be replaced by an approved backflow prevention assembly for containment meeting the requirements of these regulations.

(o) Customer Non-compliance

- (i) In case of non-compliance with these regulations, the Administrative Authority shall notify the customer to comply within ten working days. In the event of failure or upon refusal of the customer to comply as ordered, the Administrative Authority may, after notice and reasonable opportunity for hearing, terminate water service. Non-compliance includes, but is not limited to, the following:
 - (A) Refusal to allow the Administrative Authority access to the property to determine if the conditions for a partial or total exemption have been satisfied, except when an RP or air gap is properly installed for containment and properly maintained; or
 - (B) Providing inadequate backflow prevention; or
 - (C) Failure to install a backflow prevention assembly for containment which has been required by the Administrative Authority; or
 - (D) Failure to test, maintain, or properly repair a backflow prevention assembly for containment as required by the Administrative Authority; or
 - (E) Failure to comply with the requirements of these regulations; or
 - (F) Refusal to replace a faulty backflow prevention assembly; or
 - (G) Removal of a backflow prevention assembly for containment which has been required by the Administrative Authority except for seasonal removal; or
 - (H) Bypassing of a backflow prevention assembly for containment which has been required by the Administrative Authority; or
 - (I) Failure to report a backflow incident; or
 - (J) Direct connection between the PWS and a sewer line; or
 - (K) A situation which presents an immediate health hazard to the PWS.
- (ii) If non-compliance is determined, the Administrative Authority will take the following steps:
 - (A) Make a reasonable effort to advise the customer of intent to terminate water service; and
 - (B) Terminate water service and lock service valve. The water service will remain inactive until correction of the violation has been approved by the Administrative Authority.

(p) Committee of Adjustment. There is hereby established the Containment Committee of Adjustment.

- (i) The Committee shall consist of three members as follows: the Building Official of the City or that official's designee; the Director of Water and Pollution Control or the Director's designee; and a representative of the Building Board of Appeals, selected from among the members of that Board by majority vote of the Board's members.
- (ii) The said Committee of Adjustment shall have the following powers:
 - (A) To hear and decide appeals that allege an error in any decision or determination made in the administration and enforcement of Section 28.209B of the Municipal Code of the City of Ames, Iowa; and
 - (B) To authorize, in specific cases, a time extension for compliance with Section 28.209B of the Municipal Code of the City of Ames, Iowa, as will not be contrary to the laws of the State of Iowa, when due to special circumstances not of the property owner's own creation, a strict literal interpretation of Section 28.209B would result in undue expenses to the property owner in view of an alternative measure agreed to by the property owner that will not be contrary to the public interest.
- (q) **Presumptive Exemptions.** The following water uses shall generally be presumed exempt from the containment requirements of Section 28.209B: water closets, lavatories, bath tubs, showers, water softeners, single-faucet water treatment units, boilers, sinks, irrigation systems, clothes washers, dishwashers, pre-rinse stations, garden hose connections, drinking fountains, urinals, carbonators/beverage dispensers, garbage disposals, ice makers, cleaning chemical dispensers, and private fire hydrants. However, when warranted by the facts and circumstances of a particular situation, the Administrative Authority, with notice and opportunity to be heard extended to the property owners, may apply to the Containment Committee of Adjustment for a determination that containment measures are required under such facts and circumstances.

(2) **Section 603.4.2 Testing** is amended by adding new subsections 603.4.2.1 through 603.4.2.5:

- (a) Backflow prevention assemblies which are in place, but have been out of service for more than three months, shall be tested before being put back into service. Backflow prevention assemblies used in seasonal applications shall be tested before being put into operation each season.
- (b) The Authority Having Jurisdiction may periodically verify test procedures and results.
- (c) When warranted, the Authority Having Jurisdiction may require backflow prevention assemblies to be tested at any time in addition to the annual testing requirement. Examples of this include, but are not limited to, assemblies with a history of repeated failures or assemblies that have been subjected to fire, flood, or other unusual environmental conditions.
- (d) The tester shall report the results of all inspections and tests of a backflow prevention assembly to the customer and to the Authority Having Jurisdiction on a form approved by the Authority Having Jurisdiction within ten working days. The tester shall immediately report to the Authority Having Jurisdiction when and where a test indicates that an assembly fails to meet standards and no immediate repair is done to make the assembly meet standards.

- (e) Before being placed back into service, any backflow prevention assembly which fails a test shall be repaired or replaced. In the case when a reported value is less than the minimum, the Director of the City of Ames Water and Pollution Control Department may approve temporary restoration of service.”
- (3) **Section 603.4.8 Drain Lines** is amended inserting at the start of the section the following: “Provisions shall be made to convey the discharge of water from any reduced-pressure principle backflow prevention assembly (RP) to a suitable drain.”
- (4) **Section 603.4.9 Prohibited Locations** is amended by adding at the end of the section the following: “Backflow prevention devices with atmospheric vents or ports shall be protected from flooding. No backflow prevention device shall be installed in a place where it would create a safety hazard such as, but not limited to, over an electrical panel or above ceiling level.”
- (5) **Section 603.4 General Requirements** is amended by adding a new **Section 603.4.10 Repairs** as follows:
 - (a) All repairs to backflow prevention assemblies shall be performed by registered backflow prevention assembly testers.

The tester shall not change the design, material, or operational characteristics of a backflow prevention assembly during repair or maintenance. The tester shall use only original manufacturer replacement parts or equivalent parts approved by the University of Southern California – Foundation for Cross-Connection Control and Hydraulic Research.

(Ord. No. 4448, 9-14-21)

Sec. 28.210. METER REPAIRS AND COST

(1) The Water Utility will service and maintain city-owned water meters without charge and will replace a defective or malfunctioning water meter without charge. However, if it is found that damage to the meter has resulted through carelessness and/or negligence on the part of the customer, or as a result of the customer's plumbing system or internal operations, then the customer shall be liable for the expense of the repair of the meter.

(2) In the event of an emergency where the meter is discovered out of order to such an extent as to cause property damage by leakage, the meter may be removed by the customer or the customer's representative and immediately returned to the Water Meter Division for repair.

(3) Where a water meter fails to register accurately, the customer shall be charged the average rate as shown by the previous readings of the meter when in order.

(Ord. No. 854, Sec. 30; Code 1956, Sec. 31-30; Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.211. PROTECTION OF METERS.

(1) Protection of the meter from freezing or any other damage shall be the obligation of the owners and occupants of the premises for which installed. Cost of any repairs for damaged meters shall be assessed as described in Sec. 28.210.

(2) Unprotected construction meters will only be set between May 15 and October 15. If the construction is protected from the elements, a construction meter may be used at any time.

(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.212. HYDRANT METER

As a general rule, hydrant meters will not be allowed except under unusual circumstances. Prior approval of the Water and Pollution Control Department is required. The customer shall complete a Hydrant Meter Application form to request a hydrant meter. All fees and charges, including any damage to the hydrant, hydrant meter, or backflow prevention assembly, will be billed to the customer when the hydrant meter is removed from service. A monthly fee, based on the meter size, will be charged for use of the hydrant meter. If the hydrant meter is used fewer than 30 days, the monthly charge will be prorated on a daily basis. Please refer to Appendix Q of the Municipal Code for current fees. Only employees of the Water Meter Division are authorized to install and remove or move a hydrant meter.

(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.213. UNMETERED WATER USE

Unmetered water use at any location for any purpose, without prior authorization from the Water and Pollution Control Department, shall be billed at the rate, stated in Appendix Q of the Municipal Code, per occurrence or per month, whichever is greater. The exception would be to use water to perform a water test for the sanitary sewer, drain, or waste and vent piping within a structure. In addition, any damages shall be charged to the person using the water without authorization. Authorized use of water without a meter will be billed at the rate listed in Appendix Q of the Municipal Code. To initiate or terminate this service the customer shall make such request through the Water Meter Division.

(Ord. No. 854, Sec. 40; Code 1956, Sec. 31-48; Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.214. OWNERSHIP AND REPAIR, WATER SERVICE CONNECTIONS

All service connections with the city water supply from the main to the meter, including the corporation cock, service line, curb cock and curb box, and shut-off valves for the meter setting, shall be installed and maintained at the expense of the property to be served. Ownership of the entire service connection remains with the property. Whenever any part of the water service line between the main and the consumer's meter develops a leak or becomes out of repair, it shall be the duty of the property owner, to repair the defect. Leaking water services which are constructed of galvanized iron piping shall be replaced entirely between the water main and the meter with a water service line of proper size and approved material. The Administrative Authority may require replacement of leaking water services made of other non-approved materials if it is determined that the condition of the service line presents safety or sanitary concerns. To prevent or reduce damage to public or private property, the City Manager or his designee shall, if the owner does not act to correct the defect within fourteen (14) calendar days after notice, cause the discontinuance of water service to the premises. The City Manager is authorized to discontinue service or repair service leaks without prior notice to the property owner or tenant in emergency situations to prevent service interruption, damages, or injury to others. Any costs incurred by the city for excavation and replacement, and repair of damages to property caused by such, shall be charged to the owner and may be assessed as a lien against the property as provided in Sections 384.62 and 364.12 Code of Iowa.

(1) For the purpose of accountability, Commercial Buildings, Dwelling House, Single-Family, Single Family Attached, Two-Family Attached, Manufactured Homes, and Mobile Homes (by means of individual meter pits), shall be individually metered. Apartment Dwellings, Assisted Living Facilities, Condominiums, Congregate Housing, Efficiency Unit Dwellings, Family Home, Hospice Facilities, Hospitals, Hotels, Independent Senior Living Facilities, Nursing Homes, Residential Corrections Facilities, and Sorority or Fraternity Facilities are not required to

meter individual dwelling units. Requirements and exceptions are based on definitions stated in Section 29.201 of the Ames Municipal Code. The requirement for individual water meter installations in Section 28.214(1) shall not apply to any project for which a site development plan was submitted to the Planning and Housing Department for review prior to January 1, 2019.

(Ord. No. 4344, 4-24-18; Ord. No 4378, 1-8-19)

(a) **Code Requirements for Rural Water Service.** The service connection for a rural water account, from the tap at the main through the outlet of the backflow prevention device, shall comply in all respects with the requirements of the Ames Plumbing Code. Installation, alteration, repair, or other work performed on any part of the water service shall be done only pursuant to a permit from the City of Ames Inspections Division and all work shall be completed in compliance with the permit and any other requirements of the Inspections Division.

(Ord. No. 4010, 09-22-09)

(2) **Lead Service Line Replacement.** Any service line that contains any lead piping, fitting, fixture, solder, or other component; and, that develops a leak or otherwise becomes out of service shall be replaced.

(a) It shall not be lawful to leave any lead component in service when repairing or replacing a water service line.

(b) Where the service line is composed entirely of lead pipe, or consists of a mix of lead and galvanized piping materials, the service line shall be replaced in its entirety, from the point of connection to the City water main to the master water meter for the property.

(c) Where the service line consists of a lead "pigtail" or "gooseneck" between the water main and the curb stop box, and consists of copper or plastic from the curb stop box to the water meter, only the portion between the water main and the curb stop must be replaced.

(d) The cost of such replacement shall be the responsibility of the property owner.

(3) Any lead service line encountered during a City water main replacement project shall be replaced by the City. The cost shall be borne by the water utility as a part of the project, and shall not be passed on to the property owner.

(Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4327, 11-28-17)

Sec. 28.215. DISCONNECTION AND RECONNECTION OF WATER SERVICE -- CHARGES.

When requested by the customer, the City will cause the water to be turned off at the curb stop, provided the curb stop is in working order and is accessible. A fee may be charged to the customer for this service. The cost of locating and servicing an inaccessible or damaged curb cock or curb box will be at the expense of the customer ordering discontinuance of service. Should it become necessary to cut off the water at the corporation cock in the main, the expense thereof shall be charged to the owner of the premises. All utility bills and service charges will be made until notice of discontinuance of service is given to the City at the office of the Finance Director. When water service is discontinued, all utility bills and service charges of the City for water service to the customer shall be immediately due and payable. When service is disconnected for non-payment of bills, a charge may be made for disconnecting and reconnecting the service. Customer requested water service reconnection and disconnection is subject to a fee for each service call/trip as stated in Appendix Q of the Municipal Code.

(Ord. No. 854, Sec. 22; Code 1956, Sec. 31-22; Ord. No. 2009, Sec. 1, 12-17-63, Ord. No. 2550, Sec. 2, 7-6-76; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 4327, 11-28-17)

Sec. 28.216. AIR CONDITIONING WATER CONSERVATION.

(1) **Definitions.** For the purpose of this section the following terms, phrases, words, and their derivations have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Air-conditioning system is one or more units for the cooling or dehumidification, or both, of space for human occupancy.

(b) Building official is the building official of the city.

(c) Compressor horsepower (one) is the equivalent of one ton of refrigeration which is the heat required to melt ice at the rate of one ton in twenty-four (24) hours.

(d) Water conservation device is a cooling tower, spray pond, evaporative condenser or other equipment by which water is cooled and recirculated, thereby limiting the use of water from city mains to that amount necessary for cleaning, and restoration of losses through evaporation.

(e) Water regulating device is an automatic control valve, the purpose of which is to limit the maximum use of water to a predetermined rate.

(Ord. No. 846, Sections 2, 2.1, 2.4, 2.5, 2.7, 2.8; Code 1956, Sections 43-2, 43-2.1, 43-2.4, 43-2.5, 43-2.7, 43.2.8)

(2) **Compliance required.** It is unlawful for any person to have installed hereafter any air-conditioning system using water as its medium without first conforming to the provisions of this section and the building and electrical codes of this city.

(Ord. No. 846, Sec. 3; Code 1956, Sec. 43-3)

(3) **Permit required.** All persons who desire to install any air cooled or water cooled system shall obtain approval of their equipment, obtain a permit therefore in advance from the building official and shall give notice of completion of the installation to the official.

(Ord. No. 846, Sec. 4; Code 1956, Sec. 43-4)

(4) **Permit required to change nonconforming installations.** All water cooled air-conditioning systems installed prior to the effective date of this section which are to be replaced, altered or increased in size as a whole system or part of a system shall conform to the provisions of this chapter after the change has been made. A permit shall be obtained from the building official for the changes as herein provided.

(Ord. No. 846, Sec. 5; Code 1956, Sec. 43-5)

(5) **Standards of operation prerequisite to permit.** Before issuing a permit as required herein the building official shall find that the system complies with the following standards of operation:

(a) Use of city water in system using two compressor horse power or over. Water cooled systems having two (2) or more compressor horsepower, or equivalent cooling capacity, shall be equipped with an approved water conservation device so that water from city mains shall be used for make-up or flushing purposes only.

(b) Efficiency of water conservation device. The water conservation device required herein for systems of two (2) or more horsepower capacity shall be of such efficiency that it will operate with not over fifteen (15) gallons of city water per hour per ton of refrigeration. The water level control on the tank or reservoir shall be so adjusted as to prevent waste of water through the overflow.

(c) Construction of make-up device. The make-up water connection required herein shall be so arranged that the supply has a physical break between the city water lines and the device whereby it is impossible for water to siphon back into the water lines in case of low pressure.

(d) Systems using under two (2) compressor horsepower. All water cooled systems using under two (2) compressor horsepower or equivalent cooling capacity shall be equipped with an approved automatic water regulating device, so adjusted as to limit the use of city water to not more than sixty (60) gallons per hour per ton of refrigeration.

(e) Effect upon co-users. In no case shall any system adversely affect the flow of water to other users in the area.

(f) Discharge of water; method. The discharge of water from the air-conditioning system shall be as directed by the building official.

(Ord. No. 846, Sections 6--6.6; Code 1956, Sec. 43-6--6.6)

(6) **Inspection of systems.** The building official shall cause all systems regulated herein to be inspected from time to time for compliance with this section.

(Ord. No. 846, Sec. 7; Code 1956, Sec. 43-7)

(7) **Noncompliance; permit holder to correct condition.** In case of noncompliance with this section the building official shall notify the permit holder to correct the condition within ten (10) days.

(Ord. No. 846, Sec. 7.1; Code 1956, Sec. 43-7.1)

(8) **Revocation of permit; extension of time to correct condition.** In the event of failure, or upon the refusal of the permit holder to comply as ordered, the building official shall, after notice and reasonable opportunity for hearing, revoke the permit; provided, however, that upon a showing of hardship or other circumstances warranting the action, the building official shall have the authority to grant an extension of time to comply with the provisions of this section and shall render a written report thereon to the city manager.

(Ord. No. 846, Sec. 7.2; Code 1956, Sec. 43-7.2)

(9) **Appeals.** Whenever the building official shall reject any plan or specification submitted hereunder and issue an order requiring compliance or revoking a permit, the person aggrieved shall have the right to appeal to a board composed of the water superintendent, city engineer and other qualified persons, and, if still aggrieved by the decision of this board, shall then have the right to appeal to the city council. The decision of the city council with respect to the appeal shall be final.

(Ord. No. 846, Sec. 7.3; Code 1956, Sec. 43-7.3; Ord. No. 3199, Sec. 1, 9-24-92)(Ord. No. 4327, 11-28-17)

DIVISION III
SEWERS

Sec. 28.301. SEWER RATE POLICY.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City of Ames to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.302. DEFINITIONS.

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

(1) **'CBOD₅'** (denoting 5-day Carbonaceous Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter (mg/L).

(2) **'NH₃' or 'NH₃-N'** (denoting Ammonia) shall mean that portion of nitrogen in the form of ammonia which is determined by standard laboratory procedure for analysis of ammonia nitrogen, expressed in milligrams per liter (mg/L).

(3) **'TKN'** (denoting Total Kjeldahl Nitrogen) shall mean that portion of nitrogen which is the sum of

ammonia and organic nitrogen in the form of proteins or intermediate decomposition products as determined by standard laboratory procedures for Total Kjeldahl Nitrogen, expressed in milligrams per liter (mg/L).

(4) **'COD'** (denoting Chemical Oxygen Demand) shall mean the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures for COD, expressed in milligrams per liter (mg/L).

(5) **'Normal Domestic Wastewater'** shall mean, for the purposes of surcharge Program implementation, wastewater that has constituent concentrations at or below the values shown in the following table, expressed in milligrams per liter (mg/L).

<u>Constituent</u>	<u>Concentration, mg/L</u>
Oxygen Demand	
CBOD ₅	250
COD	550
Nitrogen	
NH ₃ -N	30
TKN	45
Solids	
TSS	300
Fats, Oils, and Grease	
Oil and Grease	300

(Ord. No. 4199; 11-25-14; Ord. No. 4263, 6-28-16)

(6) **'High Strength Surcharge'** shall mean a system to assess a sewer surcharge to any contributor discharging wastewater that is higher in concentrations of COD, TSS, TKN, and/or Oil & Grease than normal domestic wastewater. Concentrations of normal domestic wastewater are defined as follows; COD – 550 mg/L, TSS – 300 mg/L, TKN – 45 mg/L, and Oil & Grease – 300 mg/L.

(7) **'Local Limits'** shall mean discharge limits determined by a treatment plant headworks calculation on local facilities.

(8) **'Operation and Maintenance'** shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and for which such works were designed and constructed. The term 'operation and maintenance' includes replacement as defined in (10).

(9) **'POTW'** shall mean publicly-owned treatment works.

(10) **'Replacement'** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(11) **'Residential User'** shall mean any contributor to the City's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

(12) **'Shall'** is mandatory; **'May'** is permissive.

(13) **'TSS'** (denoting Total 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, as expressed in milligrams per liter (mg/L).

(14) **'Composite Sample'** shall mean a time-based or flow-proportional sample (as determined by the Water and Pollution Control Department staff) that is representative of a user's typical work day discharge during a 24-hour period.

(15) **'Biosolids'** shall mean treated and stabilized solids, semi-solid, or liquid residue generated during the treatment of domestic wastewater at the POTW.

(16) **'Treatment Works'** shall mean any devices and systems for the collection, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include

intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting biosolids, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste.

(17) **'Useful Life'** shall mean the estimated period during which a treatment works will be operated.

(18) **'User Charge'** shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of a designated part of the wastewater treatment works.

(19) **'Water Meter'** shall mean a water volume measuring and recording device.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3526, 6-22-99)

(20) **'FOG'** (denoting Fats, Oils, and Grease) shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease", "greases", and "oil and grease".

(Ord. No. 4199; 11-25-14; Ord. No. 4263, 6-28-16)

(21) **'FSE'** (denoting Food Service Establishment) shall mean a food establishment required to hold a Food Service Establishment License or Mobile Food Unit License from the Iowa Department of Inspections and Appeals. FSE shall not mean an establishment which is only required to hold a Food Processing Plant License or Retail Food Establishment License from the Iowa Department of Inspections and Appeals.

(Ord. No. 4199; 11-25-14; Ord. No. 4263, 6-28-16)

(22) **'Grease Interceptor'** shall mean a tank that serves one or more fixtures and captures wastewater from garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local plumbing codes. Dishwashers may in some instances also be connected to a grease interceptor as allowed by local plumbing codes. A grease interceptor reduces the amount of FOG in wastewater prior to its discharge into the POTW and may be a gravity-flow grease interceptor located underground or a hydromechanical grease interceptor located within a building.

(Ord. No. 4199; 11-25-14; Ord. No. 4263, 6-28-16)

(Ord. No. 4327, 11-28-17)

Sec. 28.303. USE OF RATE REVENUE.

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this ordinance.

That portion of the total user charge collected which is designated for operation and maintenance, including replacement, shall be deposited in a separate non-lapsing fund known as the WPC Operation, Maintenance and Replacement Fund.

Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.304. SEWER RATES ESTABLISHED.

(1) Each user shall pay for the services provided by the City based on its use of the treatment works as determined by water meter readings or other appropriate methods acceptable to the City.
(Ord. 4199, 11-25-14)

(2) For all users, monthly user charges shall be based on actual water usage, except where a practical method of wastewater measurement is available. If a user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and in a manner acceptable to the City.

(3) For each monthly billing on or after July 1, 2022, each customer shall be charged a minimum monthly charge. The minimum charge for each location shall be twelve dollars and sixteen cents (\$12.16). The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the prorated minimum monthly charge be less than four dollars and sixty-seven cents (\$4.67). In addition, for all water metered beginning with the first cubic foot each month, each user shall pay three dollars and eleven cents (\$3.11) per 100 cubic feet.

(Ord. No. 3168, Sec. 1, 4-28-92; Ord. No. 3326, Sec. 2, 5-9-95; Ord. No. 3834, 5-24-05; Ord. No. 3956, 06-10-08; Ord. No. 4037, 5-11-10; Ord. No. 4144, 5-14-13; Ord. No. 4814, 5-27-14; Ord. No. 4215, 5-12-15; Ord. No. 4351, 5-8-18; Ord. 4408, 4-14-2020; Ord. No. 4466, 5-24-22).

(4) For those users whose wastewater has a greater strength than maximum normal domestic wastewater, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement is listed in Appendix Q.
(Ord. No. 3526, 6-22-99; Ord. No. 3919, 06-12-07)

(5) (a) The City shall determine which users have wastewater discharges with strengths greater than maximum normal domestic wastewater. All costs associated with surcharge sampling or evaluation will be assessed to the user. Based upon this initial determination, the City shall notify the user of the surcharge rate to be charged each month during the next six months or until the next time the surcharge rate is calculated.

(b) Any user so identified by the City shall provide for the analysis of at least three successive composite samples for each discharge point. The samples shall be analyzed for pH, COD (or CBOD₅), TSS, and TKN (or NH₃). The user may request that the city laboratory staff provide this service at cost. Samples taken for facilities with less than two years of historical data containing surcharge parameter analyses must be collected in as close a time frame as possible. Samples collected for other purposes, containing the required information, may be used. When requested by the user, on a case-by-case basis, the City may allow the use of a single composite sample for the purpose of determining a monthly surcharge rate.

(c) Any user may have more samples analyzed than required. The additional data may be used to modify or revise the surcharge rate as appropriate; however, the surcharge rate will not be revised more frequently than once every six months unless significant process changes have occurred. All costs for the additional sampling shall be the responsibility of the user.

(d) All sample collection and analytical work shall be done by competent individuals or firms regularly involved in wastewater collection and analysis. All samples and analyses shall comply with the procedures specified in 40 Code of Federal Regulations (hereinafter referred to as CFR) 136. Any data sets which do not meet this requirement shall be rejected.

(Ord. No. 3526, 6-22-99)

(6) Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the biosolids from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement

of the treatment work, shall pay for such increased costs. The charge to each such user shall be as determined by the Director of the Water and Pollution Control Department.

(Ord. No. 3526, 6-22-99)

(7) The City will review the user charge system at least every three years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

(Ord. No. 3526, 6-22-99)

(8) (a) Where a customer wishes to use water for watering a lawn or garden, filling a swimming pool, or for existing single-pass air conditioning or other such use and that water does not reach the sanitary sewer system, the customer may at his option apply for and have installed a 'yard meter'.

(b) A 'yard meter' is defined as a second water meter or sub-meter on the premises installed downstream of the first or master water meter. It will be so placed as to meter outdoor water use described above which does not reach the sanitary sewer system. The 'yard meter' shall have a remote reading register outdoors as required for the master water meter.

(c) The full cost of the 'yard meter' and any associated plumbing changes shall be the responsibility of the customer. The 'yard meter' shall be furnished and owned by the City and so located as to be easily accessible at all times. Maintenance and replacement of the 'yard meter' shall be governed by the same requirements applying to all other water meters owned by the City.

(d) The sewer service charge will be billed only on the difference between the water meter reading and the yard meter reading.

(Ord. No. 3326, Sec. 2, 5-9-95; Ord. No. 4199, 11-25-14; Ord. No. 4263, 6-28-16)

(9) Where a "yard meter" is not installed, but it appears in any month that more than one thousand (1,000) cubic feet of water was used in a way that the water did not reach the sanitary sewer, that amount of water shall be exempt from the sewer rate on application to the City Manager or the City Manager's designee. The total exemption allowed under this provision shall be granted over no more than two consecutive billing periods.

(Ord. No. 3950, 05-13-08; Ord. No. 4003, 08-11-09)

(10) The user charge ordinance shall take precedence over any terms or conditions of agreements of contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Federal Water/Pollution Control Act and 40 CFR Part 35 dated February 17, 1984.

(Ord. No. 2714, Sec. 2, 4-24-79; Ord. No. 2894, Sec. 1, 5-26-84; Ord. No. 2924, Sec. 1, 5-28-85; Ord. No. 3013, Sec. 1, 6-14-88; Ord. No. 3049, Sec. 1, 5-23-89; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92, Ord. No. 3648, 2-12-02)

(11) For those users which operate Food Service Establishments licensed by the State of Iowa, a Restaurant Surcharge, Restaurant Fee, or High-Strength Surcharge Rate, in addition to the normal user charge, shall be collected. The Restaurant Surcharge, Restaurant Fee, and High-Strength Surcharge Rate shall be listed in Appendix Q.

(a) Users which are billed for sewer usage shall be assessed the Restaurant Surcharge.

(b) Users which are not billed for sewer usage or whose sewer usage is not representative of the facility's food service activities shall be assessed the Restaurant Fee.

(c) Users whose sanitary sewer discharge flows through an outfall monitored by the City of Ames Industrial Waste Pretreatment Program shall be assessed a High-Strength Surcharge Rate that includes the surcharge for Oil and Grease as calculated based on their sampling results.

(Ord. 4199, 11-25-d14; Ord. No. 4263, 6-28-16)

(12) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye or pigment wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.

(Ord. No. 4327, 11-28-17)

Sec. 28.305. SEWER SERVICE, CONNECTION CHARGE.

There is established hereby, as a fee for connection to the sanitary sewer main, such charge as the City Council shall by resolution set for the property served by and adjacent to the main, provided that no sanitary sewer utility special assessment has been made previously with respect to said adjacent property and the sanitary sewer was financed with funds of the city.

(Ord. No. 2928, Sec. 1, 7-2-85; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3204, Sec. 1, 12-8-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3565, 5-23-00)

Sec. 28.305(A). OWNERSHIP AND REPAIR, SANITARY SEWER LATERAL

All service connections with the City sewage collection system beginning at the sewer main and extending to the building or structure, including the wye connection at the sewer main, shall be installed and maintained at the expense of the property to be served. Ownership of the entire service connection remains with the property.

(a) Whenever any part of the sewer lateral between the main and the building or structure develops a leak or otherwise becomes out of repair, it shall be the duty of the property owner to repair the defect.

(b) Any repairs or replacement shall be made with approved materials.

(c) The Administrative Authority may require the complete replacement in lieu of allowing a repair to damaged sewer laterals made of non-approved materials if it is determined that the condition of the service line presents safety or sanitary concerns.

(d) To prevent or reduce damage to public or private property, the City Manager or his designee shall, if the owner or consumer does not act to correct the defect within 14 calendar days after notice, cause the discontinuance of sewer service to the premises. The City Manager is authorized to discontinue service or repair service damage without prior notice to the property owner or tenant in emergency situations to prevent service interruption, damages, or injury to others. Any costs incurred by the City for excavation and replacement, and repair of damages to property caused by such, shall be charged to the owner and may be assessed as a lien against the property as provided in Sections 384.62 and 364.12 Code of Iowa.

(Ord. No. 4327, 11-28-17)

Sec. 28.306. GENERAL PROHIBITIONS FOR WASTE DISPOSAL IN THE SEWER.

No utility customer shall place, throw, dump, empty or deposit into the municipal sewerage system any of the following:

(1) Any liquid, solid or gases which may cause fire or explosion either alone or in combination with other substances, or any wastestreams with a closed cup flashpoint of less than 140°F using the methods in 40 CFR 261.21.

(2) Solid or viscous substances which may cause obstruction to the flow in the sewer or other interference with the operation of the treatment facility;

(3) Any wastewater which has a pH less than 6.0 or higher than 10;

(4) Any wastewater containing anything in liquid, solid or vapor form, in sufficient quantity, either singly or in combination, to inhibit or interfere with any wastewater treatment or biosolids disposal process, constitute a hazard to humans or animals, create toxic gases, vapors or fumes that may cause acute worker health and/or safety problems, create a toxic effect in the receiving stream, or by "pass through" exceed any standard set by the Iowa Department of Natural Resources or the U.S. Environmental Protection Agency.

(Ord. No. 3526, 6-22-99)

(5) Any substance which either singly or in combination is sufficient to create a public nuisance or hazard to life or interferes with the possible reclamation or reuse of the wastewater or biosolids.

(Ord. No. 3526, 6-22-99)

(6) Any trucked or hauled pollutants, except at discharge points designated by the City when delivered

by licensed haulers.

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(8) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 40°C (104°F).

(9) Any pollutant, including oxygen demanding pollutants (BOD, etc) released in a discharge at a flow rate and/or concentration which will cause interference with the POTW.

(10) Any wastewater which the Director of the Water and Pollution Control Department determines to be unacceptable based on a case-by-case analysis.

Any violation of this section is a municipal infraction.

(Ord. No. 3003, Sec. 38, 2-23-88; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92)

(11) Any additive or emulsifier designed for the purpose of reducing the accumulation of Fats, Oils, and Grease in plumbing, grease interceptor equipment, or the POTW, except those additives or emulsifiers that have been approved for such use by the Director of Water and Pollution Control.

(Ord. No. 4199, 11-25-14; Ord. No. 4263, 6-28-16)

(Ord. No. 4327, 11-28-17)

Sec. 28.307. INDUSTRIAL PRETREATMENT REQUIREMENTS.

All discharges of wastewater, gases, or solids which are not similar to domestic sewage shall meet the following pretreatment requirements.

(1) City of Ames Industrial Pretreatment Program as adopted and amended from time to time by city council resolution.

(2) This section adopts by reference the following sections of the General Pretreatment Regulations for Existing and New Sources of Pollution promulgated by the United States Environmental Protection Agency, 40 Code of Federal Regulations, Chapter I, Part 403 as published through July 1, 1989 as amended through October 22, 2015 as the City's pretreatment regulations. These sections included 403.2, 403.3, 403.4, 403.5, 403.6, 403.7, 403.8, 403.12, 403.15, 403.16 and 403.17.

(Ord. No. 2857, Sec. 1, 8-30-83)

(a) This section adopts by reference the categorical pretreatment standards set out in 40 CFR 405-471.

(b) This section adopts by reference the testing procedures for wastewater analysis set out in 40 CFR 136.

(c) This section adopts by reference sections 307(b) and (c) and 402(b)(8) of the Federal Water/Pollution Control Act as amended through July 1, 1990.

(3) Any industrial, commercial or other utility customer which discharges any wastewater, industrial waste or other waste to the municipal sanitary sewer system shall comply with all regulations or requirements of the Iowa Department of Natural Resources and/or the U.S. Environmental Protection Agency. Where regulations have not been set by those agencies, the Director of Water and Pollution Control shall establish pretreatment requirements to obtain the following objectives:

(a) To prevent the introduction of pollutants which will interfere with the treatment plant operation or contaminate the resulting biosolids;

(b) To prevent the introduction of pollutants which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system; and

(c) To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system.

(Ord. No. 3526, 6-22-99)

(4) Any costs for pretreatment flow measuring, or monitoring facilities or analytical systems or tests to meet the pretreatment regulations shall be the responsibility of the customer.

(5) Any cost to the city including increased operation or maintenance expenditures or fines levied by

the State or Federal agencies which result from the discharge from any utility customer shall be assessed to that customer. In the event more than one utility customer is responsible, the cost shall be prorated among those responsible.

(6) No utility customer may expand their process or operation if that expansion results in a discharge which exceeds any limitation established for their discharge or results in the discharge of some other substance which will violate any provision of the pretreatment regulations unless their plans for expansion are approved by the Director of Water and Pollution Control at least 6 months prior to the planned expansion.

(7) All users who are significant or minor industrial users as defined in the revised Ames Industrial Pretreatment Program shall have obtained a permit from the city pursuant to said program before discharging non-domestic wastewaters. Any contributor now discharging pursuant to a contract shall be issued a permit within six (6) months of approval of the revised Ames Industrial Pretreatment Program.

(8) Failure to meet the standards and requirements of this section or of section 28.306 shall be a municipal infraction punishable by a penalty of up to \$1,000 for the first and each subsequent violation. Each occurrence of prohibited discharge is a violation. The Director of the Water and Pollution Control Department shall be the City Manager's designee to administer and enforce the provisions of Sec. 28.306 and 28.307, which shall include the authority to conduct related inspections, surveillance and monitoring; and to terminate city sewer service for non-compliance with the City Code.

(Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3209, Sec. 1, 12-8-92; Ord. No. 3526, 6-22-99)

(Ord. No. 4327, 11-28-17)

Sec. 28.308 FATS, OILS, AND GREASE CONTROL PROGRAM.

The purpose of this section shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of Fats, Oils, and Grease (FOG) into the POTW. Such discharges from commercial kitchens, restaurants, and all other food service establishments, where FOG of vegetable or animal origin is discharged directly or indirectly into the POTW, can contribute to line blockages and/or spills in violation of Title 40, Code of Federal Regulations 40 CFR, Part 403, as it may be amended from time to time.

(1) Any customer which operates a Food Service Establishment or Mobile Food Unit licensed by the state of Iowa, and which is connected to the City's Treatment Works, shall be subject to the FOG Control Program.

(2) Any costs for compliance with the regulations set forth in the FOG Control Program shall be the responsibility of the customer.

(3) FSEs subject to the FOG Control Program may apply for exemption from the Restaurant Surcharge/Restaurant Fee. Exemptions shall utilize evidence gathered in the preceding six (6) month period to determine whether an FSE is exempt from the Restaurant Surcharge/Restaurant Fee for sewer bills mailed during the following six (6) month period. Exemption periods shall be from January to June and from July to December.

(4) The use of any additive into a grease interceptor, grease trap, or other on-premise plumbing for the purpose of "treating" FOG shall be prohibited unless prior approval is granted by the Director of Water and Pollution Control.

(a) FSE's who wish to use any additives must submit a request in writing. Each site wishing to use a product must obtain separate approval. Approval is not granted to use any product unless and until written approval is granted by the City.

(b) A Safety Data Sheet (SDS) must be submitted to the Director for approval of the product. The SDS, or other information submitted, must identify all active and inactive ingredients of the products. Materials that include "confidential" or "proprietary" components will not be approved.

(c) To be approved, products must be composed of non-emulsifying active biological additives designed to decompose the grease in the grease trap or grease interceptor.

(i) Products that serve to simply "disperse" FOG, or that act by allowing FOG to be more easily discharged from FOG control devices will not be approved.

(ii) Examples of products that are not approved are those that include, but are not limited to, the following types of components:

- (a) Enzymes
- (b) Solvents
- (c) Surfactants
- (d) Dispersants
- (e) Other products that act on grease “chemically” as opposed to “biologically”
- (f) Other components that are deemed to be otherwise incompatible with the

purpose of the FOG Control Program or the municipal sewerage system as described in Section 28.306.

(d) Approval of a product may be revoked by the Director if pass-through of FOG or other problems in the collection system of treatment plant occurs.

(e) Aeration, agitation, or stirring of grease traps or grease interceptors shall not occur at any time.

(f) Approval of any additive shall not be construed as approval to modify any plumbing. Any changes or modifications necessary shall be conditioned upon receipt of a plumbing permit from the City.

(g) Approval of any additive shall not be construed as an endorsement by the City of the effectiveness of the product. The FSE assumes all responsibility for the performance and effectiveness of the product.

(h) Servicing frequencies for grease control equipment must still comply with the other requirements of this ordinance.

(i) Should the make-up or composition of any approved product change, a new approval must be granted by the Director.

(5) The Director of Water and Pollution Control, or designee, may exempt an FSE from the Restaurant Surcharge/Restaurant Fee for a six (6) month period if one of the following criteria is met during the preceding six (6) month period:

(a) Submission of records of grease interceptor cleanings occurring in the previous six (6) months. If a grease interceptor is not cleaned during the previous six (6) months, the reason(s) for this must be submitted to and approved by the Director of Water and Pollution Control or designee. Such records shall include the following information:

(i) The name and employer of the individual performing the grease interceptor cleaning(s).

(ii) The date(s) on which grease was removed from each grease interceptor controlled by the customer.

(iii) The quantity of grease removed during each cleaning.

(a) In the case of a gravity-flow grease interceptor, the quantity of grease shall be calculated by comparing the depth of the floating fats, oils, and grease, plus the depth of the accumulated solids, and dividing that depth by the total depth of the unit (the design liquid level), expressed as a percentage. The measurements shall be taken in the compartment nearest the inlet of a multi-compartment grease interceptor and in the interceptor immediately preceding connection to the sanitary sewer when more than one interceptor is installed in series, and in all interceptors when more than once interceptor is installed in parallel. In instances where an interceptor requires cleaning multiple times during the six (6) month review period, records shall be submitted for each cleanout. The owner or operator of the FSE shall require the grease interceptor to be cleaned when FOG and solids reach 25% or less of the design liquid level of the grease interceptor. When multiple cleanouts are required during a review period, the level of FOG and solids from each cleanout shall average 25% or less and no single instance shall equal or exceed 35%.

(b) In the case of a hydromechanical grease interceptor, the quantity of grease shall be calculated by comparing the depth of the floating fats, oils, and grease, plus the depth of the accumulated solids, and dividing that depth by the total depth of the unit (the design liquid level), expressed as a percentage. The measurements shall be taken in the compartment nearest the inlet of a multi-compartment grease interceptor, in the interceptor immediately preceding connection to the sanitary sewer when more than one interceptor is installed in series, and in all interceptors when more than once interceptor is installed in parallel. In instances where

an interceptor requires cleaning multiple times during the six (6) month review period, records shall be submitted for each cleanout. The owner or operator of the FSE shall require the grease interceptor to be cleaned when FOG and solids reach 25% or less of the design liquid level of the grease interceptor. When multiple cleanouts are required during a review period, the level of FOG and solids from each cleanout shall average 25% or less and no single instance shall equal or exceed 35%. In situations where a hydromechanical grease interceptor is not able to be measured prior to cleanout, it shall be required that the interceptor be cleaned on a monthly basis.

(iv) Verification that the place of disposal of hauled grease is a facility designed for such a purpose and is licensed or certified in accordance with local, state, and federal regulations, as appropriate.

(v) Verification that the method of transporting hauled grease is appropriate for such a purpose and complies with local, state, and federal regulations, as appropriate.

(vi) Verification that any grease interceptor from which grease is removed is inspected and found to be in proper working order. This inspection shall include verification that the sanitary “tees” on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing, verification that any baffles are secure and in place, verification that no cracks or defects in the tank are present, and verification that lids are securely and properly seated following completion of the cleaning. If any component of the grease interceptor is not in proper working order, records shall indicate what defect(s) exist and when, how, and by whom such defect(s) are remedied.

(b) Submission of a laboratory test to determine the oil and grease content of typical wastewater discharge. Such tests shall be conducted by a laboratory certified by the State of Iowa to test oil and grease under the procedures specified in Chapter 567.83 of the Iowa Administrative Code. Laboratory tests shall conform to the following conditions:

(i) The sample shall be obtained by use of a “grab sampling” method, in which the sample flask is held under a free-flowing outfall of water from a sampling port designed for such uses.

(ii) Staff of the Water Pollution Control Department shall select the date and time during which a sample may be obtained, the timing of which shall be selected to coincide with a peak customer demand.

(iii) The sample shall not exceed 300 mg/L oil and grease.

(iv) The FSE shall also be required to meet the same requirements as defined in Sec.

28.308(5)(a).

(c) Submission of kitchen Best Management Practices records that detail the grease control activities in the FSE. Such records shall be spot-checked for compliance by the Water and Pollution Control Department staff. The records shall at all times be kept and maintained on a day-to-day basis, and records shall be kept secure at the premises of the FSE for a continuous period of at least three years. The records shall document the following activities:

(i) Each cleaning of the FSE’s grease interceptor(s). The FSE shall be required to meet the same requirements as are defined in Sec. 28.308(5)(a).

(ii) Training held for the FSE’s staff regarding practices that will reduce the introduction of FOG into the sanitary sewer.

(iii) Self-inspection for presence and proper use of drain screens, clean and grease-free nature of exhaust hood equipment, and presence of spill clean-up kits, warning signage over sinks regarding FOG practices, and informational posters regarding FOG.

(iv) Records of the date, time, quantity, and location of introduction of any additive. A copy of the approval granted by the Water and Pollution Control Department shall be kept with the logbook.

(v) Any other activities undertaken by the FSE’s staff to prevent or mitigate the introduction of FOG into the Treatment Works or into the environment.

(6) (a) Cleaning of a hydromechanical grease interceptor may be performed by food service establishment staff. Documentation of any cleaning must include all information required for compliance with the FOG Control Program.

(b) Cleaning of a gravity-flow grease interceptor must be performed by a contractor that specializes in the disposal of restaurant grease.

(7) The Director of Water and Pollution Control may, upon finding evidence of accumulated FOG in the Treatment Works, authorize an inspection of any FSE that may reasonably be believed to have introduced that accumulation of FOG. Such inspection may occur at any reasonable time and without prior notification. Inspections shall be limited to the equipment and practices related to the introduction of FOG and waste water into the Treatment Works. The FSE shall allow the individual performing this inspection, bearing proper credentials and identification, to enter upon or into the building, facility, or property housing the FSE for the purpose of inspection, observation, measurement, sampling, testing, or record review. Upon request of the individual performing the inspection, the FSE shall open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, and that all grease interceptors and related equipment and piping are maintained in efficient operating condition. Inspections may be undertaken as many times as necessary to identify the source of FOG entering the Treatment Works.

(Ord. 4199, 11-25-14; Ord. No. 4263, 6-28-16)

(8) Submission of incomplete records or failure to submit records as described in Sec. 28.308(5)(a-c) shall constitute a violation of Sec 28.306(2). Violators are subject to a municipal infraction and recovery costs as described in Appendix N.

(Ord. No. 4327, 11-28-17)

28.309. Pretreatment Local Limits Established.

Pollutant	Local Limit (mg/L)
Arsenic	0.02
Acetone	14.9
Benzene	0.05
BTEX	0.75
Cadmium	0.04
Total Chromium	0.93
Copper	0.57
Cyanide	0.88
Lead	0.89
Mercury	0.01
Molybdenum	0.29
Nickel	11.0
Phenol	2.6
Total Petroleum Hydrocarbons	10.0
Selenium	0.09
Silver	0.05
Sulfide	2.0
Zinc	4.3
Oil & Grease	300
cBOD ₅	1,800
Chemical Oxygen Demand	2,700
Total Suspended Solids	1,600
Ammonia	225
Total Kjeldahl Nitrogen	280
pH	6.0-10.0 Standard Units

(Ord. No. 4335, 2-27-18)

DIVISION IV
UTILITY RETIREMENT SYSTEM

Sec. 28.401. UTILITY RETIREMENT SYSTEM ESTABLISHED.

There shall be and is hereby established a retirement system which shall be known as the Ames Municipal Utility Retirement System.

(Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.402. PLAN AND RULES, UTILITY RETIREMENT SYSTEM.

(1) The Ames Municipal Utility Retirement System shall cease to be a defined benefit system as of 12:01 A.M. September 30, 1997 and shall become a defined contribution plan as of 12:01 A.M. September 30, 1997, the defined contribution plan to be as stated in such plan, rules, and trust agreement as the City Council shall approve, adopt, amend, or replace by resolution from time to time.

(2) The assets of the discontinued defined benefit system shall be allocated and distributed in accordance with such resolution as shall be enacted for that purpose by the Ames City Council.

(Ord. No. 2321, Sec. 2, 12-2-69; Ord. No. 2446, Sec. 1, 6-26-73; Ord. No. 2487, Sections 1, 2, 9-17-74; Ord. No. 2494, Sec. 2, 12-17-74; Ord. No. 2546, Sec. 2, 5-18-76; Ord. No. 2765, Sec. 1, 12-16-80; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3327, Sec. 1, 6-13-95; Ord. No. 3458, Sec. 2, 8-26-97)

(Ord. No. 4327, 11-28-17)

Sec. 28.403. PARTICIPANT REVIEW BOARD.

(1) There is hereby established a nine member board to monitor, review, and evaluate on a continuing basis, the performance of the Ames Municipal Utility Retirement Plan, which Board shall make a written report of its findings and recommendations to the City Council not less often than once each fiscal year.

(2) The board shall be selected as follows:

- (a) one elected from among participants employed for the city water utility;
- (b) one elected from among participants employed as water pollution control employees;
- (c) one elected from among participants employed as electric distribution work center

employees;

(d) one elected from among participants employed for the power plant;

(e) one elected from among participants employed for electric administration (which shall include the City Clerk, City Manager, inspection personnel and other non-finance administrative personnel that are participants in the plan);

(f) one elected from among participants employed for the City Finance department;

(g) one elected from among participants who are retirees

(h) the Director of Finance for the City; and

(i) City Treasurer;

(Ord. No. 3661, 4-23-02; Ord. No. 3897, 12-12-06)

(3) The term of office for the elected members of the board shall be three years. The term for the council members shall be four years. Members may be reappointed or re-elected. Terms of office begin and end on the first day of April. Special elections will be held as soon as practicable to fill vacancies in elected positions.

(4) The board shall establish its own rules with respect to voting and other meeting procedures consistent with the Iowa Open Meetings Law.

(Ord. No. 2321, Sec. 2, 12-2-69; Ord. No. 2446, Sec. 1, 6-26-73; Ord. No. 2494, Sec. 2, 12-17-74; Ord. No. 3102, Sec. 1, 10-23-90; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 3458, Sec. 2, 8-26-97; Ord. No. 3563, 5-9-00)

(Ord. No. 4327, 11-28-17)

DIVISION V
UTILITIES GENERALLY

Sec. 28.501. UNAUTHORIZED ALTERATION OF LINES AND METERS, BYPASSING.

(1) It is unlawful for any person to interfere with, tamper with, alter or bypass any electric, water or gas meter installed for any utility in the city; or interfere with, tamper with or alter any lines, pipes or conduits installed by any utility in the City, without the express or implied authorization of such utility.

(Ord. No. 812, Sec. 58; Code 1956, Sec. 76-58; Ord. No. 3003, Sec. 39, 2-23-88; Ord. No. 3199, Sec. 1, 9-24-92)

(2) For rural water accounts, no person shall interfere with, tamper with, alter, or bypass any water meters, lines, pipes, or conduits installed or owned by the City of Ames outside of the Ames corporate limits without express authorization of the City. No change, modification, replacement, or other alteration shall occur to the service line from the main through the outlet of the backflow prevention device without the express approval of the City.

(Ord. No. 4010, 09-22-09)

(3) Any expense to any municipal utility incurred as a result of unauthorized relocation, alteration, or tampering of any metering device or system, or otherwise requires the municipal utility to take action to restore the proper operation of the metering device or system, shall be billed to the utility customer of record for the property.

(a) Expenses to be recouped may include: labor (including benefits), equipment, materials, and such other direct costs as may be identified by the municipal utility.

(b) Should the expense be incurred in a location where there is no utility customer of record, the expense shall be billed to the person or party determined to be responsible for such relocation, alteration, or tampering.

(c) These charges are separate and distinct from any other fees, charges, or fines that may be imposed.

(Ord. No. 4327, 11-28-17)

Sec. 28.502. RESODDING.

(1) Any municipal or public utility excavating across a grassed, sodded or turfed street parking, or an established lawn, or through or across a grassed, sodded or turfed area of a public or private park shall resod rather than reseed the disturbed area.

(Ord. No. 2305, Sec. 1, 9-2-69; Ord. No. 2679, Sec. 1, 9-26-78; Ord. No. 3199, Sec. 1, 9-24-92)

(2) A property owner excavating or causing excavation in the lawn or the parking of a neighboring residence in a developed residential area, for the purpose of installing or repairing a utility line within a public easement, shall resod the disturbed area.

(Ord. No. 2396, Sec. 1, 4-18-72; Ord. No. 3199, Sec. 1, 9-24-92)

(3) Upon complaint of failure of the responsible party to resod a disturbed area as required herein, and after ten days notice and opportunity for hearing before the city manager, the city shall do the resodding and assess the costs to the responsible party.

(Ord. No. 2955, Sec. 1, 6-3-86; Ord. No. 3199, Sec. 1, 9-24-92)

(Ord. No. 4327, 11-28-17)

Sec. 28.503. MUNICIPAL UTILITY SERVICE CONNECTIONS OUTSIDE CITY.

(1) No person shall make an initial service connection to any municipal utility for any building or property outside the corporate limits of the city without the express written authorization of the Ames City Manager.

(2) The city manager shall authorize such connections only in accordance with the laws of the State of Iowa and the regulations of the Iowa Commerce Commission. The city manager may require any reasonable special condition for such connection deemed necessary to insure compliance with the policies, procedures and development plans of the municipal utilities.

(3) No initial sewer service connections shall be allowed into the Skunk River Valley Interceptor, trunk sewers or Site 5 treatment plant from structures located in the flood plain of the Skunk River south of U.S. Highway 30.

(Ord. No. 2955, Sec. 1, 6-3-86; Ord. No. 3199, Sec. 1, 9-24-92; Ord. No. 4327, 11-28-17)

(a) For properties outside the corporate limits where the City has previously denied a rural water association or district the right to serve the property, the City will provide service within four years of the rural water denial in accordance with Iowa Code § 357A.2 and § 364.4

(Ord. No. 4010, 09-22-09)(Ord. No. 4327, 11-28-17)

Sec. 28.504. METER MAINTENANCE, METER READING, AND ESTIMATED BILLING.

(1) Access to any water meter, yard meter, or wastewater flow measuring device for maintenance, repair, replacement, or testing is essential to ensure accuracy and reliability of the metering device so that bills and charges are properly determined. When requested by the Water and Pollution Control Department, each customer shall arrange for access to the metering device(s) at their location within four (4) months from the date of the city's first request.

(2) Reading of all water meters, yard meters, wastewater flow measuring devices, or remote registering devices used for determining charges to customers shall be scheduled by the City on a monthly basis. An effort shall be made by the City to obtain use data/readings on corresponding days each month. In the event access to the metering device(s) cannot be achieved, the City shall render a monthly bill based on the City's estimate of usage. However, each customer shall allow for or arrange access to the metering device(s) at their location at least once every six (6) months. The City may allow the customer to read and report use data from metering devices(s) at their location. Customers desiring to read their own meters should contact the Utility Customer Service office. A packet of five (5) cards may be obtained. These cards will be predated to correspond to monthly billing dates and shall be submitted monthly at the customer's own expense. Prior to providing each five (5) card packet to any customer, city personnel shall be allowed into the premises to obtain readings for all metering devices.

(3) Failure to arrange for and/or allow access, as described above, shall be cause for termination of service following notice and opportunity for a hearing of the city manager.

(Ord. No. 3326, Sec. 3, 5-9-95).

(Ord. No. 4327, 11-28-17)

DIVISION VI
WATER RATIONING

Sec. 28.601. WATER SHORTAGES.

From time to time, circumstances may cause the ability of the Ames Municipal Water Utility to supply water to become so diminished that there will not then be a sufficient supply of potable processed water to meet all customary and usual demand indefinitely. Under those conditions the City Council may find, and declare by resolution, the existence of a public water shortage emergency. During such emergency, the City Council shall establish, by resolution, one or more of the water rationing stages described in Sections 28.602 through 28.605. The emergency water rationing measures shall apply to all customers of the Ames Municipal Water Utility. (Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01; Ord. No. 4010, 09-22-09; Ord. No. 4147,6-25-13)

Sec. 28.602. RESERVED.

Sec. 28.603. STAGE I: MINOR MANDATORY CONSERVATION.

When the Stage I: Minor Mandatory Conservation water rationing stage has been declared, the following mandatory restrictions on the use of potable processed water shall be in effect:

(1) No Ames Water Utility customer or other person shall cause or permit any use of potable processed water in such a manner or quantity that results in such water ponding or running into ditches, gutters, storm sewer inlets and surface water drains. This prohibition includes, but is not limited to, ponding or runoff resulting from the watering of lawns, trees, shrubs, gardens and bedding plants and from washing or hosing down sidewalks, driveways, parking areas and streets, but does not apply to municipal street sweeping equipment.

(2) The use of potable processed water to wash vehicles is prohibited except at establishments that do so as a commercial activity.

(3) The outdoor vegetation at each water customer service location shall not be irrigated with potable processed water except such watering may occur on even numbered days of the month at those premises that have a street address that ends in an even digit, and, such watering may occur on odd numbered days of the month at those premises that have a street address that ends in an odd digit.

(4) The provisions of subsection (3) above shall not apply with respect to a newly seeded or newly sodded lawn for the first ten days following the seeding or installation of sod, if the person in control of such premises has applied for and obtained from the City Department of Water and Pollution Control, a New Lawn Exemption Certification Placard, and caused that placard to be displayed on the site of such new lawn in such manner that the said placard is clearly and easily visible from a public street. During the ten-day exemption, watering is allowed for up to 8 hours per 24 hour period. After that the even and odd day restriction of subsection (3) above shall also apply to newly seeded and newly sodded lawns.

(5) The aforesaid restrictions shall not apply with respect to use of reclaimed water or water that is not processed potable water.

(Ord. No. 3927, 10-01-07; Ord. No. 4147,6-25-13)

Sec. 28.604. STAGE II: MODERATE MANDATORY RATIONING.

When the Stage II: Moderate Mandatory Rationing water rationing stage has been declared, the following mandatory restrictions on the use of potable processed water shall be in effect:

(1) All restrictions stated for the Stage I; Minor Mandatory Conservation water rationing stage shall be in effect when the Stage II; Moderate Mandatory Rationing water rationing stage

has been declared, plus the additional restrictions stated in this section.

(2) **Reserved**

(3) Outdoor vegetation shall not be irrigated with potable processed water except that such watering may be done once every five days in accordance with the following schedule:

Last Digit of Service Address	Day of Month Allowed to Water
0 or 5	5th, 10th, 15th, 20th, 25th, 30th
1 or 6	1st, 6th, 11th, 16th, 21st, 26th
2 or 7	2nd, 7th, 12th, 17th, 22nd, 27th
3 or 8	3rd, 8th, 13th, 18th, 23rd, 28th
4 or 9	4th, 9th, 14th, 19th, 24th, 29th

Irrigation rates shall not exceed one inch per day. Watering that results in water ponding or running off into ditches, gutters, storm sewer inlets and outdoor drains is prohibited. Outdoor watering shall not be done except between the hours of 6:00 a.m. to 9:00 a.m., and 7:00 p.m. to 10:00 p.m.

(4) With respect to newly seeded or newly sodded lawns for which a New Lawn Exemption Certification Placard has been obtained and displayed, in accordance with the procedure stated in Subsection 28.603(4), the lawn may be irrigated for as much as eight hours out of the first twenty-four hours after seeding or installation of sod. After that time, for the next nine consecutive days, watering of the lawn may be done between 5:30 a.m. to 9:30 a.m. and between 7:00 p.m. to 10:00 p.m. with daily applications of water not to exceed one inch. After that the once-every -five-days restriction of subsection (3) above shall also apply to newly seeded and newly sodded lawns.

(5) Potable processed water shall not be introduced into any outdoor pool or fountain except swimming pools owned by the City, the State of Iowa, or the United States of America.

(6) The use of hydrant meters for watering new seed or sod, dust control, settling backfill, or other construction purposes is prohibited. Hydrant meters in place will be removed by the City Water Meter division staff. Exceptions to this prohibition will be made on a case by case basis by appealing to the City Manager and will be granted for essential life, health and safety purposes only.

(7) The aforesaid restrictions shall not apply with respect to use of reclaimed water or water that is not processed potable water.

(8) For each water utility service location, the water utility customer shall pay a rationing rate when Stage II Rationing is in effect. The rationing rate shall be determined by multiplying the rates contained in the below referenced paragraphs by the following factors. The rationing rate shall be effective regardless of the month of the year.

Residential. Multiply the rates in Sec. 28.201(1)(b)(ii)(a) by the following:

- First 1,000 cubic feet of usage shall be as shown
- Next 1,500 cubic feet shall multiply the rate shown by 2.0
- Over 2,500 cubic feet shall multiply the rate shown by 2.0

Non-Residential(Commercial). Multiply the rates in Sec. 28.201 (2)(b)(ii)(a) by the following:

- All consumption shall multiply the rate shown by 1.6

Non-Peaking Industrial. Multiply the rates in Sec. 28.201 (3)(b)(ii)(a) by the following:

- All consumption shall multiply the rates shown by 1.15

Irrigation & Yard Water. Multiply the rates in Sec. 28.201(4)(b)(ii)(a) by the following:

First 2,000 cubic feet shall multiply the rates shown by 2.0
Next 3,000 cubic feet shall multiply the rates shown by 2.0
Over 5,000 cubic feet shall multiply the rates shown by 2.0

Rural Water Rate. Multiply the rates in Sec. 28.201 (5)(b)(ii)(a) by the following:

First 2,000 cubic feet shall be as shown
Next 3,000 cubic feet shall multiply the rates shown by 2.0
Over 5,000 cubic feet shall multiply the rates shown by 2.0

(9) Reserved

(Ord. No. 3927, 10-01-07; Ord. No. 4010, 09-22-09; Ord. No. 4147, 6-25-13)

Sec. 28.605. STAGE III: SEVERE MANDATORY RATIONING.

When the Stage III: Severe Mandatory Rationing water rationing stage has been declared, the following mandatory restrictions on the use of potable processed water shall be in effect:

(1) All restrictions stated for the Stage I: Minor Mandatory Conservation water rationing stage and the Stage II: Moderate Mandatory Rationing water rationing stage (except the rationing rate) shall be in effect when the Stage III: Severe Mandatory Rationing water rationing stage has been declared, plus the additional restrictions stated in this section.

(2) Reserved

(3) Outdoor vegetation shall not be irrigated with potable processed water except that:

(a) Trees and shrubs that are less than four years old and planted before the establishment of the Stage III: Severe Mandatory Rationing water rationing stage and seeding or sodding that is less than one year old and done before the establishment of the said Stage III: Severe Mandatory Rationing water rationing stage may be watered once per week with the total weekly application not to exceed one inch. Watering of any outdoor vegetation planted after the date of establishment of the Stage III: Severe Mandatory Rationing water rationing stage is prohibited.

(b) Outdoor flower and vegetable gardens may be watered once per week, provided that drip irrigation or soaker hoses are used and the application rate does not exceed one inch per week.(4) For each water utility service location, the water utility customer shall pay a rationing rate when Stage III Rationing is in effect. The rationing rate shall be determined by multiplying the rates contained in the below referenced paragraphs by the following factors. The rationing rate shall be effective regardless of the month of the year.

Residential. Multiply the rates in Sec. 28.201(1)(b)(ii)(a) by the following:

First 1,000 cubic feet of usage shall be as shown
Next 1,500 cubic feet shall multiply the rate shown by 4.0
Over 2,500 cubic feet shall multiply the rate shown by 4.0

Non-Residential(Commercial). Multiply the rates in Sec. 28.201 (2)(b)(ii)(a) by the following:

All consumption shall multiply the rate shown by 2.2

Non-Peaking Industrial. Multiply the rates in Sec. 28.201 (3)(b)(ii)(a) by the following:

All consumption shall multiply the rates shown by 1.6

Irrigation & Yard Water. Multiply the rates in Sec. 28.201(4)(b)(ii)(a) by the following:

First 2,000 cubic feet shall multiply the rates shown by 4.0
Next 3,000 cubic feet shall multiply the rates shown by 4.0
Over 5,000 cubic feet shall multiply the rates shown by 4.0

Rural Water Rate. Multiply the rates in Sec. 28.201 (5)(b)(ii)(a) by the following:

First 2,000 cubic feet shall be as shown
Next 3,000 cubic feet shall multiply the rates shown by 4.0
Over 5,000 cubic feet shall multiply the rates shown by 4.0

(4) **Reserved**

(5) **Reserved**

(Ord. No. 3927, 10-01-07; Ord. No. 4010, 09-22-09; Ord. No. 4147, 6-25-13).

Sec. 28.606. RESERVED.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01; Ord. No. 4147, 6-25-13)

Sec. 28.607. APPEAL OF THE RATIONING RATE.

Any water utility customer may make an appeal, in writing, to the City Manager for a reduction in the amount of a monthly bill that is subject to the rationing rate. The City Manager may grant a reduction in the amount of a bill for any water utility customer based on the following criteria.

(1) A substantial part of the consumption is attributable to mechanical defects such as broken or leaking pipes or plumbing fixtures. Carelessness by the customer shall not be grounds for a reduction in the amount of a bill. The customer must provide evidence that the mechanical defect has been repaired. Such evidence includes an invoice from a licensed plumber or a receipt for purchased plumbing materials.

(2) The reduction in the bill shall be only for the billing cycle period prior to or including the date of correction of the mechanical defect.

(3) Appeals for reduction of a bill shall not be considered for amounts less than \$5.00.

(Ord. No. 3620, 6-26-01; Ord. No. 4147, 6-25-13)

Sec. 28.608. REDUCTION OR TERMINATION OF SERVICE.

The City Manager is authorized, after giving notice and opportunity for hearing, to reduce or terminate the flow of potable processed water to any customer who during a single water shortage has received three or more notices of violation of the provision of either Sec. 28.603, 28.604, or 28.605, of the Ames Municipal Code.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01; Ord. No. 4147, 6-25-13)

Sec. 28.609. PENALTIES.

(1) Any person who, in making application to the City Manager for a decrease in a bill, a New Lawn Exemption Certification Placard, or otherwise provides information to the City with respect to Sections 28.603 - 28.607 that is intentionally false or incorrect shall automatically have their request, application or appeal denied. Additionally, such person shall be guilty of a municipal infraction punishable by a penalty of \$75.00 for a person's first violation and a penalty of \$150.00 for each repeat violation.

(2) Violation of any provision or prohibition of Sections 28.603 through and including 28.605 shall be a municipal infraction punishable by a penalty of \$75.00 for a person's first violation thereof, and a penalty of \$100.00 for each repeat violation.

(Ord. No. 2777, Sec. 1, 7-21-81; Ord. No. 3199, Sec. 1, 9-24-92, Ord. No. 3620, 6-26-01; Ord. No. 4147, 6-25-13)

<p>DIVISION VII ELECTRIC UTILITY OPERATIONS REVIEW AND ADVISORY BOARD</p>
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Sec. 28.701. ELECTRIC UTILITY OPERATIONS REVIEW AND ADVISORY BOARD ESTABLISHED.

(1) There is hereby established the Electric Utility Operations Review Advisory Board to be composed of five (5) persons each who are Ames residents, who are customers of the Ames Municipal Electric, and who are qualified by demonstrated expertise or experience in generation, distribution, finance or marketing of electrical energy, for the purpose of investigating and reviewing, on a continuing basis, all aspects of the operations of the Ames Municipal Electric Utility, including any and all practices, plans or proposals pertaining to generation,

distribution and marketing, finance, and accounting so as to provide advice and proposals to the City Council on matters as aforesaid at such times and in such frequency as the Board deems appropriate, or in response to requests from the City Council.

(2) The city staff shall provide services or information as the Board shall require by notice to the City Manager.

(3) Board members shall be appointed by the Mayor with the approval of the City Council. The term of office shall be three (3) years, beginning April 1 of the fiscal year of appointment. Vacancies shall be filled for any unexpired term in the same manner as original appointments. No member who has served two (2) full consecutive terms is eligible for reappointment.

(Ord. No. 3476, Sec. 1, 3-12-98)

(4) The Board shall elect its presiding officer.

(Ord. No. 2790, Sec. 1, 11-10-81; Ord. No. 2806, Sec. 1, 12-23-81; Ord. No. 3807, Sec. 1, 1-5-82; Ord. No. 2954, Sec.1, 5-27-86; Ord. No. 2957, Sec. 1, 7-1-86; Ord. No. 3199, Sec.1, 9-24-92)

DIVISION VIII STORM WATER DRAINAGE SYSTEM
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Sec. 28.801. STORM WATER DRAINAGE SYSTEM DISTRICT.

It is found and determined to be necessary and conducive to the protection of the public health, safety, welfare and convenience that all of the City of Ames, Iowa, shall be and is hereby declared to be a storm water system district within the meaning and intent of, and for the purpose authorized by, Section 384.84(1) Code of Iowa; that is, to established and collect rates for a storm water drainage system.

(Ord. No. 3265, Sec. 1, 3-8-94)

SEC. 28.802. RATES ESTABLISHED.

(1) The rate charged for the storm water drainage system provided to customers of City utility services to be billed on or after July 1, 2022, is as follows: for each utility account which is billed for one or more City utility services, a monthly rate shall be charged, paid and collected as a rate for a storm water drainage system according to the following table:

Tier	Impervious Area/Account Range (SF)	Charge per Account
1	150 - 10,000	\$ 5.20
2	10,000.01 - 30,000	\$10.40
3	30,000.01 - 90,000	\$15.60
4	90,000 and above	\$46.80

(Ord. No. 4261, 6-14-16; Ord. No. 4313, 6-27-17; Ord. No. 4465, 5-24-22)

(2) For purpose of this section “impervious area” means areas that have been paved and/or covered with buildings and materials, which include, but are not limited to, concrete, asphalt, rooftop, gravel and blacktop.

(3) A storm water utility customer may challenge their impervious area range calculation by filing an appeal with the director of public works for adjustment thereof, stating in writing the grounds for the appeal. The public works director shall cause appropriate investigation thereof and report the findings to the appellant. The public works director shall consider the appeal and determine whether an adjustment is necessary, and make such adjustment if appropriate. Said appeal must be filed within thirty days of notice of the initial establishment or change of the city’s calculation of a property’s impervious area being mailed to the customer’s billing address as shown in the utility’s records.

(4) A decision of the public works director which is adverse to an appellant may be further appealed to the City Council within thirty days of receipt of notice of the adverse decision. The appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty days. All decisions of the City Council shall be served on the appellant by registered mail, sent to appellant's billing address. All decisions of the City Council shall be final.

(5) This section shall not apply to the utility accounts of a customer that has its own Storm Water Permit for its Municipal Separate Storm Sewer System.

(Ord. No. 3265, Sec. 1, 3-8-94; Ord. No. 3434, Sec. 1, 5-27-97; Ord. No. 3564, Sec. 1, 5-23-00; Ord. No. 3833, 5-24-05; Ord. No. 3917, 06-12-07; Ord. No. 3989, 05-12-09; Ord. No. 4136, 1-8-13)

SEC. 28.803. USE OF FUND.

The money paid and collected pursuant to Sec. 28.802 shall be held by the city in a special fund to be expended only for the purpose of constructing, operating, repairing and maintaining all kinds of conduits, drains, storm water detention devices, flow impediments, ponds, ditches, sloughs, streams, filter strips, rip-raps, erosion control devices and any and all other things useful to the proper control, management, collection, drainage and disposition of storm water in the City of Ames.

(Ord. No. 3265, Sec. 1, 3-8-94)

Sec. 28.804. DISCHARGE AND CONNECTION TO THE STORM DRAINAGE SYSTEM.

(1) **Purpose.** The purpose of this section is to provide for the health, safety, and general welfare by regulation of non-storm water discharges to the storm drainage system of the city of Ames, Iowa, by establishing methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(2) **Definitions.** For purpose of this section certain words and phrases are defined as follows:

(a) **Best Management Practices (BMPs):** schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) **Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

(c) **Construction Activity.** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(d) **Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(e) **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as permitted by this section.

(f) **Illicit Connections.** An illicit connection is defined as either of the following:

(i) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and

any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized employee of this city, or

(ii) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized employee of this city.

(g) **Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

(h) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC '1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general area-wide basis.

(i) **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

(j) **Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(k) **Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, obstructions, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(l) **Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(m) **Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(n) **Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(o) **Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

(p) **Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(3) **Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the city storm drain system or watercourses of the city, any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this system: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wet-land flows, swimming pool (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by authorized employees of the city as being necessary to

protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement employee of the city prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(4) **Prohibition of Illicit Connections.**

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(5) **Suspension due to Illicit Discharges in Emergency Situations.** The city employee authorized to enforce this section may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to persons.

(6) **Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city employee authorized to enforce this section will notify a violator of the proposed termination of its MS4 access. The violator may petition the said authorized employee for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city employee authorized to enforce this section.

(7) **Industrial or Construction Activity Discharges.** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city employee authorized for enforcement of this section prior to the allowing of discharges to the MS4.

(8) **Monitoring Access.** The city employee authorized to enforce this section shall be permitted to enter and inspect facilities subject to regulation under this section as often as is necessary to determine compliance with this section. If a discharger has security measures that require identification and clearance before entry to its premises, the discharger shall make the necessary arrangements to allow access to the city employee authorized to enforce this section. By way of specification but not limitation:

(a) Facility Operators shall allow the authorized city enforcement employee ready access to all parts of the premises for purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(b) The authorized city enforcement employee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(c) The authorized city enforcement employee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral order of the authorized city enforcement employee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(e) Unreasonable delays in allowing the authorized city enforcement employee access to a

permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized city enforcement employee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(f) If the authorized city enforcement employee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized city enforcement employee may seek issuance of a search warrant from any court of competent jurisdiction.

(9) **Use of Best Management Practice.** Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed best management practices. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(10) **Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly alter the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(11) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized city enforcement employee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized city enforcement employee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(12) Whenever the city's authorized enforcement employee finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of the city's remediation costs; and
- (f) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator, and the costs paid by the violator within the time specified. Failure by a violator to meet a requirement as aforesaid within the time set in the said notice shall constitute a violation of this section.

(13) **Violations as Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is found and declared to be injurious to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored at the violator's expense and a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken, or to recoup the city's costs incurred for remediation thereof, in accordance with the provisions of Sections

364.12(3) and (4), Code of Iowa, and other laws of the State of Iowa.

(14) **Penalty.** A violation of any provision of this section shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation. (Ord. No. 3819, 02-22-05)

**IX
WATER AND SEWER CONNECTION
FEE DISTRICTS**

Sec. 28.901. ONTARIO STREET WATER AND SEWER CONNECTION FEE DISTRICT

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1995, a water and sanitary sewer connection fee district described as follows:

(a) Commencing at the NW ¼ corner of the NE ¼ of Section 6 T83N R24W. Thence south 100' to the north R-O-W of Ontario Street; thence west 507.85' along said north R-O-W; thence north 50' along said north R-O-W; thence west 216.83' along said north R-O-W to the point of beginning; thence west 641.85' along said north R-O-W; thence south 300'; thence east 641.85'; thence north 300' to the point of beginning.

(b) Commencing at the SW ¼ corner of the SE ¼ of Section 31 T84N R24W. Thence north 40' to the north R-O-W of Ontario Street; thence west 724.68' to the point of beginning. Thence west 641.85' along said north R-O-W of Ontario Street; thence north 300'; thence east 641.85'; thence south 300' to the point of beginning.

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall be:

(a) The connection fee for water service is \$2,323.20 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$7,115.34 per acre of property served by the connection.

(Ord. No. 3362, Sec. 1, 12-05-95)

Sec. 28.902. EAST LINCOLN WAY WATER AND SEWER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1997, a water and sewer connection fee district described as follows:

Beginning at a point 1515' north of the center of Section 12 T83N R23W and running thence north 1065'; thence west 202.2'; thence south 15'; thence west 847.8'; thence southeasterly 1484.92' to the point of beginning.

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall be:

(a) The connection for water service is \$823.53 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$1,185.64 per acre of property served by the connection.

(Ord. No. 3517, Sec. 1, 2-23-99)

Sec. 28.903. SOUTHEAST SIXTEENTH STREET WATER AND SEWER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1997, a water and sewer connection fee district described as follows:

The north 300' of the south 375' of the West 1,251.5' of the SE ¼ of the SE ¼ of Section 12 T83N R23W

(2) The fee for connection of a property within the aforesaid district to the water or sewer utility shall

be:

(a) The connection for water service is \$2,320.42 per acre of property served by the connection.

(b) The connection fee for sanitary sewer service is \$2,900.52 per acre of property served by the connection.

(Ord. No. 3518, Sec. 1, 2-23-99)

Sec. 28.904. ADAMS STREET, PARCEL 1, WATER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1999, a water connection fee district described as follows:

Beginning at the southeast corner of the NW ¼ NE ¼ of Section 27, T84N, R24W of the 5th p.m., Story County, Iowa; thence west 421 feet along the north line of Outlot "A" Windsor Oaks Subdivision to the City of Ames, Iowa; thence north 300 feet; thence east 421 feet parallel with and 300 feet distant from said north line of Outlot "A"; thence south 300 feet to the point of beginning. Containing 2.899 acres.

(2) The fee for connection of a property within the aforesaid district to the water utility shall be \$2,964.09 per acre of property served by the connection.

(Ord. No. 3559, 4-25-00)

Sec. 28.905. ADAMS STREET, PARCEL 2, WATER CONNECTION DISTRICT.

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1999, a water connection fee district described as follows:

Beginning at the southwest corner of the NE ¼, NE ¼ of Section 27, T84N, R24W of the 5th p.m., Story County, Iowa; thence east 229 feet along the north right-of-way of Adams Street; thence north 300 feet; thence west 229 feet parallel with and 300 feet distant from said right-of-way line; thence south 300 feet to the point of beginning. Containing 1.577 acres.

(2) The fee for connection of a property within the aforesaid district to the water utility shall be \$2,964.09 per acre of property served by the connection.

(Ord. No. 3560, 4-25-00)(Ord. No. 2379, Sections 1, 2, 11-16-71; Ord. No. 2529, Sections 1,2, 9-24-75; Ord. No. 2529, Sections 3, 4, 9-24-75; Ord. No. 2604, Sec. 1, 5-24-77; Ord. No. 2604, Sec. 2, 5-24-77; Ord. No. 2604, Sec. 3, 5-24-77; Ord. No. 2604, Sec. 4, 5-24-77; Ord. No. 2823, Sec. 1, 5-25-82; Ord. No. 2846, Sec. 1, 3-22-83; Ord. No. 2950, Sec. 1, 5-27-86; Ord. No. 2951, Sec. 1, 5-27-86; Ord. No. 2952, Sec. 1, 5-27-86; Ord. No. 2953, Sec. 1, 5-27-86; Ord. No. 2984, Sec. 1, 9-1-87; Ord. No. 3018, Sec. 1, 8-2-88; Ord. No. 3102, Sec. 1, 10-23-90; Ord. No. 3131, Sec. 1, 6-25-91; Ord. No. 3131, Sec. 2, 6-25-91; Ord. No. 3151, Sec. 1, 12-3-91; Ord. No. 3180, Sec. 1, 6-23-92; Ord. No. 3180, Sec. 2, 6-25-91; Ord. No. 3180, Sec. 3, 6-23-92; Ord. No. 3213, Sec. 1, 1-26-93; Ord. No. 3229, Sec. 2, 6-22-93; Ord. No. 3325, Sec. 1, 5-9-95; Ord. No. 3347, Sec. 1, 9-26-95; Ord. No. 3380, Sec. 1, 4-23-96; Ord. No. 3439, Sec. 1, 6-10-97; Ord. No. 4037, Sec. 28.201)

Sec. 28.906 NORTH GROWTH AREA WATER CONNECTION FEE DISTRICT

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1995, a water connection fee district described as follows, and as shown on the map in Appendix "W":

(a) Parcel 1: Parcel "E" in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on December 18, 1998, as Instrument Number 98-17594, in

Slide 12 at Page 3.

(b) Parcel 2: That part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Southwest (SW) corner of said Section Twenty-two (22); thence N 00°00'00" E, Five Hundred Fifty-three and Twenty-two Hundredths (553.22) Feet along the West line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) to the point of beginning; thence continuing N 00°00'00" E, One Hundred Twenty-nine and Forty-three Hundredths (129.43) Feet along said West line; thence N 89°27'30" E, Three Hundred Ninety-one and Thirty-seven Hundredths (391.37) Feet; thence S 22°05'14" E, One Hundred Nineteen and Thirty-four Hundredths (119.34) Feet; thence S 82°23'01" W, One Hundred Sixty-eight and Seventy-eight Hundredths (168.78) Feet; thence N 00°21'54" E, Thirteen and Seventy-three Hundredths (13.73) Feet; thence S 87°02'30" W, Two Hundred Sixty-nine and Thirty-eight Hundredths (269.38) Feet to the West line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) and point of beginning, containing 1.173 acres, which includes 0.098 acres of existing County Road right-of-way.

(c) Parcel 3: The South Half (S½) of the Southwest Quarter (SW¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., excepting therefrom, however, the East 50 acres thereof and a tract of 10.35 acres described as follows: Beginning at the Northwest corner of the South Half (S½) of said Southwest Quarter (SW¼), thence South 89°25' East 974.36 feet, thence South 0°14'58" East 462.24 feet, thence North 89°25' West 976.37 feet to the West line of said Southwest Quarter (SW¼), thence North 0°00' East along said West line 462.24 feet to the point of beginning, and excepting therefrom a tract of 1.173 acres described as follows: Part of the Southwest Quarter (SW¼) Southwest Quarter (SW¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Southwest corner of said Section Twenty-two (22), thence North 00°00'00" East, 553.22 feet along the West line of said Southwest Quarter (SW¼) Southwest Quarter (SW¼) to the point of beginning; thence continuing North 00°00'00" East, 129.43 feet along said West line; thence North 89°27'30" East, 391.37 feet; thence South 22°05'14" East, 119.34 feet; thence South 82°23'01" West, 168.78 feet; thence North 00°21'54" East, 13.73 feet; thence South 87°02'30" West, 269.38 feet to the West line of said Southwest Quarter (SW¼) Southwest Quarter (SW¼) and point of beginning, containing, less said exceptions, 18.197 acres more or less, subject to highway and easements of record.

(d) Parcel 4: Parcel "A" in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 2nd day of June, 1996, and recorded in Book 14 at Page 2.

(e) Parcel 5: Beginning at the Northwest Corner of the South Half of the Southwest Quarter of Section 22, Township 84 North, Range 24 West of the 5th P.M., thence South 89 degrees 25' East along the North line of the South Half of said Southwest Quarter 974.36 feet, thence South 0 degrees 14'58" East 462.24 feet, thence North 89 degrees 25' West 976.37 feet, to the West line of said Southwest Quarter, thence North 0 degrees 00' East along said West line 462.24 feet to the point of beginning, containing 10.35 acres more or less.

(f) Parcel 6: Commencing at the West Quarter corner of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; thence North 540.9 feet along the West line of the Northwest Quarter (NW ¼) of said Section 22 to the point of beginning; thence South 89°30' East 510.4 feet; thence North 54°20' East 648.2 feet; thence North 67°27' East 479.6 feet; thence North 90°00' West 1479.9 feet to said West line; thence South 557.4 feet along said West line to the point of beginning, containing 12.00 acres, subject to all other rights, reservations, restrictions, easements, liens and encumbrances of record; and other land.

(g) Parcel 7: A part of the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: "Beginning at a point on the west line of said Northwest Quarter (NW ¼) which is 1098.1 feet north of the Southwest corner thereof, thence N 89°59'20" E, 14810.15 feet; thence N 67°27' E, 44.15 feet; thence N 0°44' W, 203.1 feet; thence S 89°59'20" W, 1518.35 feet; thence South 220.0 feet." Containing 7.67 acres and subject to road right-of-way.

(h) Parcel 8: Parcel C in the Northwest ¼ of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on February 6, 1998, and recorded as Instrument No. 98-01464 in C&FN Book 15 at Page 110, Contains 2.83 gross acres.

(i) Parcel 9: Parcel "L" Legal Description: That part of the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; more particularly described as follows: Beginning at the Northwest corner of said Section 22; thence S 89°59'37" E, 628.66 feet along the North line of the Northwest Quarter (NW ¼) of said Section 22 to the North Quarter corner; thence S 89°56'56" E, 928.93 feet along the North line of the Northeast Quarter (NE ¼) of said Section 22 to the Northwest corner of H.P. Jensen's Subdivision; thence S 00°16'21" W, 507.33 feet along the West line of said H.P. Jensen's Subdivision; thence S 24°26'29" W, 35.20 feet along H.P. Jensen's Subdivision; thence S 87°49'44" W, 149.80 feet along the Northwesterly line of H.P. Jensen's Subdivision; thence S 22°11'56" E, 74.28 feet along H.P. Jensen's Subdivision; thence N 89°56'58" W, 408.46 feet along the Northerly line of Parcel "G" in the West Half of the Northeast Quarter (W ½ NE ¼) of said Section 22; thence S 00°20'15" W, 225.92 feet along the Westerly line of said Parcel "G"; thence N 89°57'27" W, 395.18 feet along the Northerly line of said Parcel "G"; thence S 00°13'28" W, 74.73 feet along the Westerly line of said Parcel "G" to the Northeast corner of Parcel "J" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°55'44" W, 1109.83 feet along the North line of said Parcel "J"; thence S 00°46'31" E, 323.35 feet along the Westerly line of said Parcel "J" to the Northeast corner of Parcel "C" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°56'34" W, 560.39 feet along the North line of said Parcel "C" to the Northwest corner of said Parcel "C," also being the Northeast corner of Parcel "B" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°56'34" W, 957.96 feet along the North line of said Parcel "B" to the West line of the Northwest Quarter (NW ¼) of said Section 22; thence N 00°02'52" W, 1291.95 feet along the West line of the Northwest Quarter (NW ¼) of said Section 22 to the point of beginning.

Parcel "L" Alternate Description: Parcel "L" in the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on January 17, 2012, and recorded as Instrument No. 12-00476 on Slide 425, Page 4.

(j) Parcels 10 and 17: Outlot X, Rose Prairie Final Plat, Ames, Story County, Iowa, AND Units 1 to 279, inclusive, in Rose Prairie, a condominium in Ames, Story County, Iowa, together with all appurtenances thereto, including an undivided fractional interest in the common elements, areas and facilities as determined for said unit by the provisions of, and in accordance with, the Declaration of Horizontal Property Regime for Rose Prairie filed in the office of the Recorder of Story County, Iowa, on April 29, 2009, as Inst. No. 09-04556 (and any supplements and amendments thereto). Rose Prairie, as presently constituted, is located on Lot 2, Rose Prairie Final Plat, Ames, Story County, Iowa.

(k) Parcel 16: The West 26.038 acres of all that part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Thirty-one (31), lying North of the right-of-way and C.&N.W., all in Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa; The South Half (S ½) of the Southeast Quarter (SE ¼) of Section Twenty-one (21), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, except railroad right-of-way; and The South Half (S ½) of the Northwest Quarter (NW ¼) of Section Twenty-two (22), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa.

(l) Parcel 18: Parcel "A" in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) in Section 21, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on May 31, 1996, as Instrument No. 96-05211, in Book 13 at Page 249.

- (2) The fee for connection of a property within the aforesaid district to the water utility shall be:
The original connection fee for water service is \$1,084.24 per acre of property served by the

connection.

- (3) Annual increase in connection fee.
 - (a) For the purposes of accounting for the costs incurred by the City of Ames to finance improvements, the connection district fee shall increase on an annual basis
 - (b) The fee shall increase using a simple interest rate of approximately five (5) percent annually for a period of at least twelve (12) years.
 - (c) The approximate five (5) percent annual increase in the connection district fee shall be based on the original connection fee of \$1,084.24, and will be rounded to an even dollar amount per year. Thus, the connection district fee will increase at a rate of \$55 per year. Appendix "W" shows the tabulation of the connection district fee for each of the twelve years beginning on April 22, 2014, increasing on July 1 each following year, and ending on July 1, 2026.
 - (d) After July 1, 2026, the connection district fee will continue to increase at a rate of \$55 per year unless the connection fee annual increase is modified by the City of Ames.

(Ord. 4180, 5-6-14)

Sec. 28.907 NORTH GROWTH AREA SANITARY SEWER CONNECTION FEE DISTRICT

(1) There is hereby established pursuant to Sec. 384.38(3) Code of Iowa, 1995, a sanitary sewer connection fee district described as follows, and as shown on the map in Appendix "W":

(a) Parcel 1: Parcel "E" in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on December 18, 1998, as Instrument Number 98-17594, in Slide 12 at Page 3.

(b) Parcel 2: That part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Southwest (SW) corner of said Section Twenty-two (22); thence N 00°00'00" E, Five Hundred Fifty-three and Twenty-two Hundredths (553.22) Feet along the West line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) to the point of beginning; thence continuing N 00°00'00" E, One Hundred Twenty-nine and Forty-three Hundredths (129.43) Feet along said West line; thence N 89°27'30" E, Three Hundred Ninety-one and Thirty-seven Hundredths (391.37) Feet; thence S 22°05'14" E, One Hundred Nineteen and Thirty-four Hundredths (119.34) Feet; thence S 82°23'01" W, One Hundred Sixty-eight and Seventy-eight Hundredths (168.78) Feet; thence N 00°21'54" E, Thirteen and Seventy-three Hundredths (13.73) Feet; thence S 87°02'30" W, Two Hundred Sixty-nine and Thirty-eight Hundredths (269.38) Feet to the West line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) and point of beginning, containing 1.173 acres, which includes 0.098 acres of existing County Road right-of-way.

(c) Parcel 3: The South Half (S½) of the Southwest Quarter (SW¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., excepting therefrom, however, the East 50 acres thereof and a tract of 10.35 acres described as follows: Beginning at the Northwest corner of the South Half (S½) of said Southwest Quarter (SW¼), thence South 89°25' East 974.36 feet, thence South 0°14'58" East 462.24 feet, thence North 89°25' West 976.37 feet to the West line of said Southwest Quarter (SW¼), thence North 0°00' East along said West line 462.24 feet to the point of beginning, and excepting therefrom a tract of 1.173 acres described as follows: Part of the Southwest Quarter (SW¼) Southwest Quarter (SW¼) of Section Twenty-two (22), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, described as follows: Commencing at the Southwest corner of said Section Twenty-two (22), thence North 00°00'00" East, 553.22 feet along the West line of said Southwest Quarter (SW¼) Southwest Quarter (SW¼) to the point of beginning; thence continuing North 00°00'00" East, 129.43 feet along said West line; thence North 89°27'30" East, 391.37 feet; thence South 22°05'14" East, 119.34 feet; thence South 82°23'01" West, 168.78 feet; thence North 00°21'54" East, 13.73 feet; thence South 87°02'30" West, 269.38 feet to the West line of said Southwest Quarter (SW¼) Southwest

Quarter (SW¼) and point of beginning, containing, less said exceptions, 18.197 acres more or less, subject to highway and easements of record.

(d) Parcel 4: Parcel "A" in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 2nd day of June, 1996, and recorded in Book 14 at Page 2.

(e) Parcel 5: Beginning at the Northwest Corner of the South Half of the Southwest Quarter of Section 22, Township 84 North, Range 24 West of the 5th P.M., thence South 89 degrees 25' East along the North line of the South Half of said Southwest Quarter 974.36 feet, thence South 0 degrees 14'58" East 462.24 feet, thence North 89 degrees 25' West 976.37 feet, to the West line of said Southwest Quarter, thence North 0 degrees 00' East along said West line 462.24 feet to the point of beginning, containing 10.35 acres more or less.

(f) Parcel 6: Commencing at the West Quarter corner of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; thence North 540.9 feet along the West line of the Northwest Quarter (NW ¼) of said Section 22 to the point of beginning; thence South 89°30' East 510.4 feet; thence North 54°20' East 648.2 feet; thence North 67°27' East 479.6 feet; thence North 90°00' West 1479.9 feet to said West line; thence South 557.4 feet along said West line to the point of beginning, containing 12.00 acres, subject to all other rights, reservations, restrictions, easements, liens and encumbrances of record; and other land.

(g) Parcel 7: A part of the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, described as follows: "Beginning at a point on the west line of said Northwest Quarter (NW ¼) which is 1098.1 feet north of the Southwest corner thereof, thence N 89°59'20" E, 14810.15 feet; thence N 67°27' E, 44.15 feet; thence N 0°44' W, 203.1 feet; thence S 89°59'20" W, 1518.35 feet; thence South 220.0 feet." Containing 7.67 acres and subject to road right-of-way.

(h) Parcel 8: Parcel C in the Northwest ¼ of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on February 6, 1998, and recorded as Instrument No. 98-01464 in C&FN Book 15 at Page 110, Contains 2.83 gross acres.

(i) Parcel 9: Parcel "L" Legal Description: That part of the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; more particularly described as follows: Beginning at the Northwest corner of said Section 22; thence S 89°59'37" E, 628.66 feet along the North line of the Northwest Quarter (NW ¼) of said Section 22 to the North Quarter corner; thence S 89°56'56" E, 928.93 feet along the North line of the Northeast Quarter (NE ¼) of said Section 22 to the Northwest corner of H.P. Jensen's Subdivision; thence S 00°16'21" W, 507.33 feet along the West line of said H.P. Jensen's Subdivision; thence S 24°26'29" W, 35.20 feet along H.P. Jensen's Subdivision; thence S 87°49'44" W, 149.80 feet along the Northwesterly line of H.P. Jensen's Subdivision; thence S 22°11'56" E, 74.28 feet along H.P. Jensen's Subdivision; thence N 89°56'58" W, 408.46 feet along the Northerly line of Parcel "G" in the West Half of the Northeast Quarter (W ½ NE ¼) of said Section 22; thence S 00°20'15" W, 225.92 feet along the Westerly line of said Parcel "G"; thence N 89°57'27" W, 395.18 feet along the Northerly line of said Parcel "G"; thence S 00°13'28" W, 74.73 feet along the Westerly line of said Parcel "G" to the Northeast corner of Parcel "J" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°55'44" W, 1109.83 feet along the North line of said Parcel "J"; thence S 00°46'31" E, 323.35 feet along the Westerly line of said Parcel "J" to the Northeast corner of Parcel "C" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°56'34" W, 560.39 feet along the North line of said Parcel "C" to the Northwest corner of said Parcel "C," also being the Northeast corner of Parcel "B" in the Northwest Quarter (NW ¼) of said Section 22; thence S 89°56'34" W, 957.96 feet along the North line of said Parcel "B" to the West line of the Northwest Quarter (NW ¼) of said Section 22; thence N 00°02'52" W, 1291.95 feet along the West line of the Northwest Quarter (NW ¼) of said Section 22 to the point of beginning.

Parcel "L" Alternate Description: Parcel "L" in the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on January 17, 2012, and recorded as Instrument No. 12-00476 on

Slide 425, Page 4.

(j) Parcels 10 and 17: Outlot X, Rose Prairie Final Plat, Ames, Story County, Iowa, AND Units 1 to 279, inclusive, in Rose Prairie, a condominium in Ames, Story County, Iowa, together with all appurtenances thereto, including an undivided fractional interest in the common elements, areas and facilities as determined for said unit by the provisions of, and in accordance with, the Declaration of Horizontal Property Regime for Rose Prairie filed in the office of the Recorder of Story County, Iowa, on April 29, 2009, as Inst. No. 09-04556 (and any supplements and amendments thereto). Rose Prairie, as presently constituted, is located on Lot 2, Rose Prairie Final Plat, Ames, Story County, Iowa.

(k) Parcel 11: Lot One (1), Rose Prairie Final Plat, Ames, Story County, Iowa.

(l) Parcel 12: Parcel "B" in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-one (21), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on the 9th day of April, 1997, and recorded in Book 14, at Page 185.

(m) Parcel 13: The SW 23.8 acres of the property Beginning at a point 1,009.0 Feet North of the West Quarter (W¹/₄) Corner of Section Twenty-one (21), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, Thence continuing North on the West Line of said Section 21, 330.0 Feet, Thence South 89°38' East 410.0 Feet, Thence South 330.0 Feet, Thence North 89°38' West 410.0 Feet to the Point of Beginning, as shown on the map in Appendix "W".

(n) Parcel 14: Parcel "G" a part of the SW 1/4 of Section 21, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on December 18, 2003, as Inst. No. 03-25077, Slide 192, Page 1.

(o) Parcel 15: SW 1/4 of- Section 21; Township 84 North; Range 24 West of the 5th P.M., except the right of way of the Chicago & Northwestern Railway Company.

(p) Parcel 16: The West 26.038 acres of all that part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section Thirty-one (31), lying North of the right-of-way and C.&N.W., all in Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa; The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section Twenty-one (21), Township Eighty-four (84) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa, except railroad right-of-way; and The South Half (S 1/2) of the Northwest Quarter (NW 1/4) of Section Twenty-two (22), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa.

(q) Parcel 18: Parcel "A" in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) in Section 21, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on May 31, 1996, as Instrument No. 96-05211, in Book 13 at Page 249.

(2) There shall be three separate fee districts within the sanitary sewer connection district. Each parcel shall be responsible for the fee for each district in which it lies. The fee for connection of a property within the aforesaid district to the sanitary sewer utility shall be as follows:

(a) District #1:

a. District #1 of the sanitary sewer connection district shall include parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.

b. The original connection fee for sanitary sewer service in District #1 is \$1,641.36 per acre of property served by the connection.

(b) District #2:

a. District #2 of the sanitary sewer connection district shall include parcels 6, 7, 8, and 9.

b. The original connection fee for sanitary sewer service in District #2 is an additional \$1,204.80 per acre of property served by the connection.

(c) District #3:

- a. District #3 of the sanitary sewer connection district shall include parcel 16.
 - b. The original connection fee for sanitary sewer service in District #3 is an additional \$1,341.53 per acre of property served by the connection.
- (3) Annual Increase in connection fees.
- (a) For the purposes of accounting for the costs incurred by the City of Ames to finance improvements, the connection district fee shall increase on an annual basis.
 - (b) The fees shall increase using a simple interest rate of approximately five (5) percent annually for a period of at least twelve (12) years.
 - (c) The approximate five (5) percent annual increase in the connection district fees shall be based on the original connection fee of \$1,641.36 in District #1; \$1,204.80 in District #2; \$1,341.53 in District #3, and will be rounded to an even dollar amount per year. Thus, the connection district fee will increase at a rate of \$83 per year in District #1, \$60 per year in District #2, and \$67 per year in District #3. Appendix “W” shows the tabulations of the connection district fees for District #1, District #2, and District #3 for each of the twelve years beginning on April 22, 2014, increasing on July 1 each year following, and ending on July 1, 2026.
 - (d) After July 1, 2026, the connection district fees will continue to increase at a rate of \$83 per year in District #1, \$60 per year in District #2, and \$67 per year in District #3, unless the connection fee annual increase is modified by the City of Ames.

(Ord. 4181, 5-6-14)