

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)

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| <p>DIVISION VIII STORM WATER DRAINAGE SYSTEM</p> |
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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, 2017, 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 | \$4.95 |
| 2 | 10,000.01 - 30,000 | \$9.90 |
| 3 | 30,000.01 - 90,000 | \$14.85 |
| 4 | 90,000 and above | \$44.55 |

(Ord. No. 4261, 6-14-16; Ord. No. 4313, 6-27-17)

(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: