

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING CHAPTER 95, SANITARY SEWER SYSTEM, AND CHAPTER 94, PRIVATE WELLS, OF THE CODE OF ORDINANCES OF THE CITY OF ELKADER, IOWA (2022

Be It Enacted by the City Council of the City of Elkader, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 95 of the Code of Ordinances of the City of Elkader, Iowa, is amended as follows:

CHAPTER 95 SANITARY SEWER SYSTEM

95.05 SEWER CONNECTION REQUIRED.

The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary ~~or combined sewer~~, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so. ~~provided that said public sewer is located within 100 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it.~~ Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

*(Code of Iowa, Sec. 364.12[3f])
(567 IAC 69.1[3])*

SECTION 2. SECTION MODIFIED. Chapter 94 of the Code of Ordinances of the City of Elkader, Iowa, is amended as follows

CHAPTER 94 OPERATION OF PRIVATE WELLS

94.01 PRIVATE WELLS OR WATER SUPPLIES.

It is unlawful for any person to drill, operate, or otherwise maintain a private well or water supply on public or private property within the City or in any area under the jurisdiction of the City, except as otherwise provided in this chapter.

94.02 PLUGGING OF EXISTING WELLS AND CONNECTION TO PUBLIC WATER SUPPLY.

Except as otherwise provided in this chapter, the owners of any property located wholly or partially within the City are required at each owner's expense to plug any existing private wells in accordance with Section 455B.190 of the *Code of Iowa* and to cease utilizing any private water supplies to the extent that such wells or water supplies are located within the City or in any area under the jurisdiction of the City or supply water to property located within the City. Such owners are further required to connect their houses, buildings, or other facilities on the property (to the extent the structure requires a potable water supply) to the public water system. Connection shall be made within 120 days of the effective date of annexation of the affected property into the City. This requirement does not apply to any property located within the City prior to the date of Ordinance No. 2003-10 codified in this chapter (grandfathered property). Any property owner electing to connect to the public water supply shall comply with all requirements of this chapter and become a full requirements water customer of the public water supply system.

~~94.03 OPERATION AND USE OF PRIVATE WELL OR WATER SUPPLY WHEN NO PUBLIC WATER SUPPLY AVAILABLE.~~

~~Where access is not available to the public water supply, a parcel or any portion thereof may be connected to a private well and private water supply until such time as access to the public water supply is available. "Availability," for these purposes, is defined as a functioning main of the public water supply system being located within 100 feet of the nearest boundary of the parcel. During all times that access is not available, the owner of such parcel shall operate and maintain the private well or private water supply in a sanitary manner at the owner's expense, and shall comply with the provisions of Section 94.06. When access is available, the requirements set forth in Section 94.02 shall become applicable.~~

~~94.04 CONSTRUCTION PERMIT REQUIRED.~~

~~Before commencement of drilling, installation, or construction of a private well or private water supply under the authority of Section 94.03, the owner of such parcel or any portion thereof shall first obtain a written construction permit signed by the City Administrator/Clerk. The application for such permit shall be made on a form furnished by the City, and the applicant shall supplement such application with any plans, specifications, and other information as is deemed necessary by the City Administrator/Clerk. A permit and inspection fee of \$100.00 shall be required to be paid to the City at the time the application is filed. Prior to completion of the private well or water supply, the City shall be allowed to inspect the work at any stage of the drilling, installation, or construction and, in any event, the holder of the construction permit shall notify the City before any underground portions are covered and when the work is ready for final inspection. The inspection shall be made within 60 hours (exclusive of weekends and holidays) of the receipt of notice to the City.~~

~~94.05 PERMIT FOR OPERATION.~~

~~After the drilling, installation, or construction pursuant to the construction permit is completed to the satisfaction of the City, the City shall issue an operation permit, only after an application form provided by the City is completed and which shall be valid for a period of five years, unless terminated upon 90 days' notice due to violation of provisions of this chapter. The operation permit may be renewed for an additional period of five years if the facility passes inspection by the City. The City, at its discretion, shall perform yearly inspections of the installation to verify compliance with applicable ordinances. When access to the public water supply becomes available, the requirements set forth in Section 94.02 shall become applicable upon the expiration of the operation permit.~~

~~94.06 COMPLIANCE WITH APPLICABLE REGULATIONS.~~

~~The type, capacities, location, and layout of any private well or water supply authorized by Section 94.03 shall comply with all applicable regulations, if any, of the State of Iowa or any federal agency. Failure to comply with such recommendations and regulations shall be grounds for the denial or suspension of a permit. The issuance of the permits by the City shall not in any way relieve the permittee of duties, obligations or restrictions imposed by the State of Iowa or any federal agency.~~

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

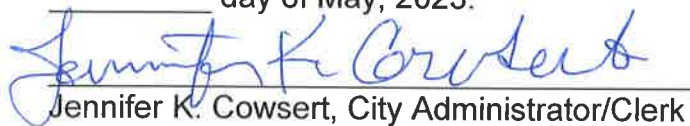
SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 24th day of April, 2023.

Josh R. Pope, Mayor

ATTEST: 
Jennifer K. Cowser, City Administrator/Clerk

I certify that the foregoing was published as Ordinance No. 2023-01 on the
3rd day of May, 2023.


Jennifer K. Cowser, City Administrator/Clerk

First Reading 3/27/2023	<u>Y</u>	<u>N</u>	Second Reading April 10, 2023	<u>Y</u>	<u>N</u>	Third Reading April 27, 2023	<u>Y</u>	<u>N</u>
Grau	✓		Grau	✓		Grau	✓	
Schmidt	✓		Schmidt	✓		Schmidt	✓	
Lane	✓		Lane	✓		Lane	✓	
Henning	✓		Henning	✓		Henning	✓	
Hauber	✓		Hauber	✓		Hauber	✓	