

ORDINANCE NO. 192

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF APLINGTON, IOWA, 2011, BY ADDING SECTION 90.20 TO CHAPTER 90 OF THE WATER SERVICED SYSTEM.

Be it enacted by the City Council of the City of Aplington, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Aplington, Iowa, 2011, is amended by adding a new Sec90.20 entitled POTABLE PRESSURE AUGMENTATION, which is hereby adopted to read as follows:

Purpose – Establish rules & regulations governing the removal & prevention of non-municipally owned and maintained potable water pressure augmentation system(s), and to establish the penalty structures required to enforce said rules & regulations. Non-municipal potable water pressure augmentation system(s) can and will cause negative pressure on the City water distribution main to an extent that as to create a potential health hazard for the other users of the system. The City council therefore finds it essential to the maintenance of health that the provisions of this section be strictly enforced to avoid and minimize these problems in the future.

REQUIREMENTS; Any person, firm or corporation having a pressure augmentation systems and/or related bypass system and any other valving now connected to the potable water system shall disconnect and/or remove the same. Any pumps, valving, disconnects or unapproved connections to the water system shall be permanently closed or repaired in a manner as approved by the City Public Works Director, engineer or his or her designee

ACCESS AND ENTRY FOR INSPECTIONS;

Every person owning real estate or contractor/builder who are building a structure or adding a water connection within the City of Aplington that is connected to the Cities water distribution system shall allow an employee of the City or their designated representative to inspect the buildings and/or connections to confirm that there is no pressure augmentation system or other prohibited piping systems connected to the water distribution system. Any owner of property or contractor/house builder found to violate this chapter shall make the necessary changes to comply with this chapter at their own expense and furnish proof of the changes to the city within **30 or 60 days (council to decide) from the date the violation was identified. Inspections shall be made at a reasonable time and only after reasonable effort has been made to notify the property owner of the need for such inspection.** At any future time, if the city has reason to suspect that an illegal pump or piping may exist in a premises, the owner, after written notice, shall allow city representatives to inspect the premises.

PENALTY

Any property owner or contractor/builder refusing to allow the property and/or building under their control to be inspected in accordance with this chapter, in order to determine compliance, shall within 30 days of the date that admittance to the property is refused or denied, immediately become subject to a monthly penalty which shall be applied to the water component of their utility bill. This penalty shall commence on the 1st day of the month following the month when either the property owner or contractor/builder refuse to allow the property under their control to be inspected by the City or to otherwise validate compliance in accordance with this chapter to the City. This penalty shall continue as long as no documentation satisfactory to the City, to ascertain compliance with this chapter, has been provided to the Public Works Director. This penalty of (**\$250**) is intended to offset the added costs associated with having to protect the City's water distribution system unnecessarily when the status of a property's connection to the water distribution system cannot be ascertained. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. The city will also retain any and all civil remedies including, but not limited to, injunction or abatement actions to remedy a violation.

SECTION 2: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 by the Council the _____ of _____, 2011, and approved this _____ day of _____, 2011.

Jason Mehmen, Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 192 on the _____ day of _____, _____.

City Clerk