

ORDINANCE NO. 460

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING NEW CHAPTER 101 PERTAINING TO PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM

BE IT ENACTED by the City Council of the City of Cresco, Iowa:

SECTION 1. The Code of Ordinances of the City of Cresco, Iowa, is hereby amended by adding a new Chapter 101, entitled PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM, which is hereby adopted to read as follows:

CHAPTER 101

PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM

101.01 Purpose	101.06 Time Limit to Allow Inspection
101.02 Restrictions and Definitions	101.07 Time Limit for Disconnection
101.03 Method of Installation	101.08 Sanitary Sewer Surcharge
101.04 Disconnections Ordered	101.09 Penalties and Enforcement
101.05 Inspections	

101.01 PURPOSE. The discharge of water from any roof, surface, ground, sump pump, footing tile or swimming pool or other natural precipitation into the city sanitary sewer collection system has the potential to cause damage to property and overload the city wastewater collection, conveyance and treatment system. Such discharge may result in the backup of sewage into living quarters of residential homes or other buildings, creating a potential health hazard and potentially exceeding the capacity of the city wastewater collection, conveyance and treatment system. Therefore, the City finds that it is essential to the maintenance of public health, minimization of damage to property and to maintain the functioning and capacity of the city wastewater collection, conveyance and treatment system, that the provisions of this section be strictly enforced.

101.02 RESTRICTIONS AND DEFINITIONS. No water from any roof, surface, ground, sump pump, footing tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer collection system. Dwellings, including new housing construction or houses under construction, and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a seepage collection system, or "beaver drain" or sump pump system to discharge water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer collection system. A permanent installation shall be one which provides for a year-round discharge connection to the city

subdrain/storm sewer system. If there is no subdrain available, the surface discharge point shall be located no closer than four feet from the curb or as approved by the City. Such discharge line shall consist of a rigid discharge line inside the structure, without valving or quick connections for altering the path of discharge and, if connected to the city subdrain/storm sewer system, shall include a check valve.

101.03 SUMP, PUMP, AND RIGID PIPE: METHOD OF INSTALLATION.

- A. A discharge pipe shall be installed through the outside foundation wall of the building with rigid pipe (plastic, copper or galvanized) one and one-half (1½") inch inside diameter minimum, without valves or quick connections that would alter the path of discharge. The discharge shall be directed away from the foundation wall.
- B. No discharge shall be directed so as to impact neighboring properties or any sidewalks, streets or right-of-way unless approved by the City.
- C. Where a sump pit exists in any building, it shall have a pump installed with rigid piping as specified above.
- D. Any plumber or contractor who knowingly installs a sump, pump and/or piping that is not in conformance with this ordinance shall be liable to the City for all damages that arise and be subject to the penalties set forth in Section 101.09.

101.04 DISCONNECTIONS ORDERED. Any owner of any dwelling, building or other structure having a roof, surface, ground, sump pump, footing tile or swimming pool now connected and/or discharging into the city sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the city sanitary sewer system shall be closed or repaired in a manner as approved by the Public Works Director or his or her representative.

101.05 INSPECTIONS. Every owner of any dwelling, building or other structure subject to this section, shall allow an employee of the city, or their designated representative, to gain admittance to the owner's property in order to inspect such dwelling, building or other structure, to confirm that there is no sump pump or other prohibited discharge from said property into the city sanitary sewer system. This requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property and the sump pump system, and shall complete, sign and return an inspection form, provided by the City, documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

101.06 TIME LIMIT TO ALLOW INSPECTION. The owner of any dwelling, building or other structure shall have a period of thirty (30) days from the date the city, or their designated representative, sends a written notice to the owner requesting admittance to the property for an inspection, to either allow a city inspection of the property, or to contract with a licensed plumber to perform the inspection, and notify the city of the results thereof as provided in section 101.05 of this chapter.

101.07 TIME LIMIT FOR DISCONNECTION OF DISCHARGE. Upon completion of a city inspection of a property, or upon the city's receipt of an inspection form from the licensed plumber hired by the owner of the property, the city shall determine whether any such property is improperly discharging storm water into the city sanitary sewer system,

and shall send a notice to the property owner regarding the results of said inspection if there is a violation. If the property is found to be discharging storm water into the city sanitary sewer system, then the owner shall have a period of ninety (90) days from the date the city sends such written notice to the owner to disconnect the owner's sump pump or other prohibited discharge into the city sanitary sewer system, and to request an inspection, certifying that all work necessary to disconnect the owner's sump pump or other prohibited discharge from said property into the city sanitary sewer system has been completed.

101.08 SANITARY SEWER SURCHARGE. Any owner who fails to timely comply with the requirements of either section 101.06 or of section 101.07 of this chapter shall thereupon be subject to and shall pay a monthly surcharge on the property owner's or tenant's city sewer bill in the amount of \$100.00 per month. Said surcharge shall commence on the first day of the month following the expiration of the thirty (30) day period set forth in section 101.06 of this chapter, or the ninety (90) day period set forth in section 101.07 of this chapter, as applicable, when either the property owner has failed to timely allow a city inspection or has failed to timely correct any illegal connections to the city sanitary sewer system, or has failed to contract with a licensed plumber to inspect the property and correct any illegal connections to the city sanitary sewer system. Such surcharge shall continue to be imposed on the owner's city sanitary sewer bill for as long as the property owner continues to own the property without complying with the requirements of this division. This monthly surcharge is intended to offset the added cost to the city associated with having the city wastewater collection, conveyance and treatment system process clear or clean water unnecessarily, when the status of the property owner's connection or non-connection to the city sanitary sewer system cannot be ascertained, or when the owner has failed to timely disconnect any discharge of storm water to the city sanitary sewer system.

101.09 PENALTIES AND ENFORCEMENT. Whoever shall violate any provision of this chapter for which no specific penalty is provided may be punished as set forth below.

- A. Any person found to be violating any provision of this chapter, shall be served by the city with written notice stating the nature of the violation and providing at least ninety (90) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. A surcharge fee shall be added to the property's city sewer bill, as provided in section 101.08 of this code.
- B. Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a municipal infraction. Each day in which any such violation occurs shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance 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. 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 _____ day of _____, 2016.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading _____ 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 460 on the _____ day of _____, 2016.

City Clerk Michelle Girolamo