

SECTION 850
REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM

850.01 **Applicability**

This Section shall apply to all water entering the sanitary sewer system, whether intentional or not, unless explicitly exempted, in writing, by the City. The City and its representatives are authorized to administer, implement, and enforce the provisions of this Section.

850.02 **Definitions**

For the purpose of this Section, the following terms are defined:

Clear water means water coming from whatever source other than the City's water distribution system, including but not limited to storm water runoff, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout and yard drainage, sump pump outlets, foundation drainage, yard fountains, ponds, swimming pools, cistern overflows, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

Sewer service lateral means all sewer service pipes that extend from the municipal sewer main to the structure that it serves.

Permanently installed discharge line means a discharge line which provides for year-around discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer system in an approved manner. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge. If such discharge line is connected to the City storm sewer system, such line must include a check valve. No permanently installed discharge line shall not be capable of connection or reconnection to the City sanitary sewer system, nor shall any such line discharge into the City's sanitary sewer system.

850.03 **Compatibility with Other Regulations**

This Section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

850.04 **Prohibition Against Discharge into the Sanitary Sewer System**

No person shall discharge or cause or allow to be discharged into the City's sanitary sewer collection system, or infiltrate into the sanitary sewer system, any clear water due to the drainage of a sump pump, or because of defective plumbing or a defective sewer service lateral, or by any other means.

850.05 **Sump Pump Regulation**

Any dwelling, structure or building that has a sump pump discharge system to remove groundwater from its foundation drain must have a permanently installed discharge line.

850.06 **Inspection**

Before any property may be offered for sale within the City, or prior to the City issuing any permits or approvals for any improvement upon any property, the owner thereof shall obtain an inspection of each building located on such property by an inspector designated by the City. The purpose of this inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system. This requirement shall not apply to any building or structure which is not connected to the City's sanitary sewer system.

This inspection 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's sump pump, sewer service lateral, permanently installed discharge line, and groundwater drainage system. Upon completion of the inspection, the inspector must return a completed inspection form to 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.

Unless the property owner already has a valid certificate of compliance issued by the City for the property, the owner or owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party who holds legal or equitable ownership of the property.

A certificate of compliance shall be issued by the City upon successful completion of an inspection. A certificate of compliance shall be valid for ten years. Upon expiration of the certificate of compliance, the property owner shall be required to obtain a new inspection pursuant to the terms of this Section.

850.07 **Corrections**

Upon notice that the discharge of clear water on a property is not in compliance with this Section, the owner or occupant of the property shall cease from discharging clear water in violation of this Section and shall make the necessary repairs and corrections to discharge the clear water in accordance with this Section. Discharge of clear water in compliance with this Section shall be completed within 90 days of the date of notice of noncompliance, or as determined by the **public works director**. A second inspection of the property must be completed after 90 days following the notice of noncompliance.

850.08 **Violations**

A monthly surcharge in an amount duly adopted by the City Council and set forth in the City's fee schedule shall be assessed against any property on which clear water is discharged in violation of this Section. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply: (1) an inspection as required herein has not been allowed or completed by the property owner or occupant or a certificate of compliance has not been issued by the City within 90 days after the City's notice of inspection; (2) the property owner or occupant fails to make the property and the sewer line

cleanout readily available for the inspection; (3) the necessary corrections provided in this Section have not been made within the time specified; or (4) the property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected. A surcharge will be assessed for every month during which the property is not in compliance. If the property owner fails to pay such surcharge, the City may collect these fees as with any other utility fees, including through assessment to the property taxes.

850.09 Temporary Waivers

The City may grant a temporary waiver from the provisions of this Section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the **public works director** specifying the reasons for the temporary waiver.

If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the City's sanitary sewer system as estimated by the **public works director**. If granted, a temporary waiver issued hereunder does not confer any property right, is not transferable, and is terminable by the City, as provided herein.

The **public works director** may set conditions to the temporary waiver. The **public works director** may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The **public works director** must give a five-day written notice of the termination to the property owner or occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this Section.

850.10 Appeals

Applications for appeal of any administrative determination made pursuant to this Section shall be addressed in writing to the **city administrator** within 30 days of such determination.

Applications shall at a minimum identify the property for which the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the City Council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

850.11 Severability and Validity

The provisions of this Section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Section or the application thereof to any person, establishment, or circumstances are declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of other provisions or application of this Section.

Effective Date: This Ordinance shall become effective immediately following its adoption and publication.