

ORDINANCE NO. 01-17-2011 #2 (331)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY ADDING PROVISIONS PERTAINING TO THE FOOTING DRAIN DISCONNECTION PROGRAM

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

SECTION 1. SUBSECTION ADDED. Chapter 101 of the Code of Ordinances of the City of Altoona, Iowa, 2004, is added:

CHAPTER 101

FOOTING DRAIN DISCONNECTION PROGRAM

101.01 Purpose

101.02 Applicability

101.03 Notification Procedure

101.04 Removal of Footing Drain Connections Required

101.05 Approved Removal Procedure

101.06 Non-Compliance Fee for Footing Drain Connection

101.07 Rebuttable Presumption

101.08 Refund of Non-Compliance Fee

101.09 Inspection and Notice

101.01 PURPOSE. The purpose of this chapter is to eliminate footing drain connections to the sanitary sewer system by the establishment of procedures of notification and procedures of removal for sanitary sewer system customers to disconnect the footing drain from the sanitary sewer system within a specified period of time, and to establish monthly surcharge payments for sanitary sewer system customers with previous notification that fail to disconnect footing drains within a specified period of time following the notification.

101.02 APPLICABILITY. This chapter shall be applicable to all properties located within the corporate boundaries of the City of Altoona that are not currently connected to a public storm sewer system or public footing drain collection system.

101.03 NOTIFICATION PROCEDURE. The Community Services Director shall notify, by certified mail or other method as approved by the City Council, sanitary sewer system customers that directly or indirectly connect footing drains, foundation drains, roof downspouts, sump pumps, sump pits, or similar systems or devices to the sanitary sewer system. The notification shall mandate that disconnection from the sanitary sewer system is required within the specified period of time and installation of a sump pump pit, sump pump, discharge line, and connection to a public storm sewer system or public footing drain collection system is required.

101.04 REMOVAL OF FOOTING DRAIN CONNECTIONS REQUIRED. All direct or indirect connections of a footing drain, foundation drain, roof downspouts, sump pump, sump pit, or similar system or device intended to collect and convey groundwater along, adjacent to, beside or under the footing, foundation or basement of any building shall be disconnected from the sanitary sewer system within one hundred and eighty (180) days after the notification by the Community Services Director. Disconnection shall mean removal of any direct or indirect connection to the sanitary sewer system,

including direct connections to the sanitary sewer service, connections to a sanitary sewer floor drain or similar plumbing fixture that would allow footing drain flow to enter the sanitary sewer system.

101.05 APPROVED REMOVAL PROCEDURE. The approved removal procedure for a direct or indirect footing drain connection to the sanitary sewer system under this chapter must fully comply with the following:

1. **Prior Inspection.** Prior to any work on the removal or disconnection of the footing drain connection, the existing connection must be inspected by the City. The sanitary sewer system customer shall be responsible to schedule the inspection.
2. **Approved System.** An approved system for the removal of footing drain connections must be used. The approved system shall consist of a sump pump and sump pit with a discharge to an approved storm sewer connection, an approved footing drain collection connection, or an approved yard location.
3. **Plugging of Existing Connection.** Any direct or indirect connection between the footing drain and the sanitary sewer system of the building shall be permanently plugged.
4. **Construction Inspection.** Upon installation of the sump pump pit, sump pump, and plumbing connections; and prior to installation of the concrete floor, the sanitary sewer customer shall be responsible to schedule a City inspection of the completed work.
5. **Floor Drain Connection Prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the footing drain to a floor drain shall not be possible.
6. **Post-Construction Inspection.** The installation of the sump pump and associated facilities work shall be inspected by the City. The sanitary sewer customer shall be responsible to schedule the post-construction inspection.

101.06 NON-COMPLIANCE FEE FOR FOOTING DRAIN CONNECTION. Any sanitary sewer customer with a direct or indirect footing drain connection to the sanitary sewer system, being properly notified as described under Section 101.03, and remaining in place one hundred and eighty (180) days after said notification, shall be subject to a monthly surcharge of one-hundred dollars (\$100.00) for potential un-metered flow contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges.

101.07 REBUTTABLE PRESUMPTION. There is a presumption that all sanitary sewer customers receiving notification have a footing drain connection to the sanitary sewer system as prohibited under this chapter. Effective one hundred and eighty (180) days after notification that properties that have not completed an approved removal procedure or other equivalent removal procedure inspected and documented by the City shall be presumed to have a footing drain connection for purposes of this chapter.

101.08 REFUND OF NON-COMPLIANCE FEE. Any property owner subject to the non-compliance fee under this chapter may request the City to inspect the sanitary sewer service. If the City determines there was no direct or indirect footing drain connection as of the date of non-compliance, the City shall refund all un-metered flow payments collected. In the event the City determines a footing drain disconnection was completed and the footing drain connection no longer exists, the City shall discontinue the imposition of the un-metered flow charges for that sanitary sewer customer and shall refund previous non-compliance fee payments. Such refund shall be limited to the number of monthly payments made or three (3) months, whichever is smaller.

110.09 INSPECTION AND NOTICE. The City may conduct periodic inspections of properties to confirm there are no direct or indirect connections of the footing drain to the sanitary sewer system. If during an inspection the City determines there is a direct or indirect connection as a result of a modification of the system to allow for a direct or indirect connection, failure to maintain or replace a failed sump pump that would allow an indirect or direct connection to the sanitary sewer system, or such other cause as may allow a direct or indirect connection, the City shall provide the property owner a written notice. The property owner shall be provided thirty (30) days to cure the defect and to arrange for a re-inspection by the City. If at the end of thirty (30) days the direct or indirect connection has not been inspected and determined to have been removed, the property shall be subject to the un-metered flow charge provisions under this chapter. The payment shall continue until such time as the City determines through inspection the direct or indirect footing drain connection no longer exists.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council the 21st day of February, 2011.

Signed: Timothy J. Burget, Mayor

ATTEST: Randy Pierce, City Clerk