

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF APLINGTON, IOWA, 2011, BY INCORPORATING CHANGES TO SECTION 95.04 AND BY ADDING SECTION 95.20 TO CHAPTER 95 OF THE SANITARY SEWER 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 is amended by adding a new Section 95.20 entitled SUMP PUMP AND GROUNDWATER STANDARDS, which is hereby adopted to read as follows:

PURPOSE; Establish rules and regulations governing the installation, use and discharge of sump pumps or other groundwater conveyance systems and to establish the penalty structures required to enforce said rules and regulations. The rules and regulations governing the use of sump pumps or other groundwater conveyance systems are being established as follows. To set forth uniform requirements for the installation, use and discharge of sump pumps or groundwater conveyance systems. To prevent the introduction of clean surface water, including but not limited to, water from roof or cellar drains, springs, basement sump pumps and French drains. Because the City finds it essential to the maintenance of health, minimization of damage to property, and to maintain and preserve the life and capacity of the municipal infrastructure.

DEFINITION; It is unlawful for any owner, occupant or user of any premises to direct into or allow any storm water, surface water, ground water, well water or water from industrial or commercial air conditioning systems (residential properties may have a twenty (20) gallon per day maximum discharge from air conditioning systems) to drain into the wastewater collection system. No rainspout, or other form of surface drainage, and no foundation drainage or sump pump shall be connected or discharged into any wastewater collection system. Any new or existing construction in which a sump and pump have been or will be installed shall be required to install, inside the structure, a rigid pipe connection discharge in accordance with this chapter. It is unlawful to maintain any connection with the sanitary sewer carrying roof water, ground water, surface water or any other natural precipitation.

SUMP PUMP AND RIGID PIPE INSTALLATION; A discharge pipe shall be installed through the outside foundation wall of the building with rigid pipe (plastic, copper or galvanized) one (1) 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. No discharge shall be directed so as to impact neighboring properties. Where a sump pit exists in any building it shall have a pump installed with rigid piping as specified above. Any plumber licensed in the City of Aplington who knowingly installs a sump, pump and/or piping that is not in conformance with this chapter may lose their plumbing license privileges in the City for a period of one (1) year, following the opportunity for a hearing before the City Council.

INSPECTIONS; Property owners shall allow a City employee or a designated representative, satisfactory to the City, such as a licensed plumber, to inspect the buildings to confirm and document that there is no sump pump or other prohibited discharge into the wastewater collection system. The City may periodically re-inspect any building or premises to determine compliance with the requirements of this chapter. An inspection performed by other than a City employee will require the completion and return of an inspection form provided by the City. Any plumber licensed in the City of Aplington who falsely attests to documentation regarding compliance with this chapter may lose their plumbing license privileges in the City for a period of one (1) year, following the opportunity for a hearing before the City Council. When ownership of any home or other building is transferred, the building must have a re-inspection completed and passed within ninety (90) day of the sale date.

REMOVAL OF ILLEGAL CONNECTIONS; Any property owner who previously made any connection or installation in violation of this chapter shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to the owner, the City shall impose

a surcharge in the amount provided by this chapter. The time frame for making corrections may be extended upon the approval of the City Administrator for up to 90 days for cause, beyond the initial 30-day period. The owner of a building or premises found to not be in conformance with this chapter during periodic re-inspections shall be subjected to a surcharge as provided herein starting from the previous date of inspection.

PENALTY (SURCHARGE); Any property owner or contractor/builder refusing to allow the property 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 surcharge which shall be applied to the sanitary sewer component of their utility bill. This surcharge 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 surcharge shall continue as long as no documentation satisfactory to the City, to ascertain compliance with this chapter, has been provided to the Building Official. This surcharge is intended to offset the added costs associated with having to treat and collect clear water unnecessarily when the status of a property's connection to the sanitary sewer system cannot be ascertained. A surcharge of **one hundred dollars (\$100.00) per month** is hereby imposed on every sewer bill to property owners for either not being in compliance with this section or refusal of property inspection.

NUISANCE; The City may require a property to connect it's sump pump discharge line to a City storm sewer or drainage tile, if available, and if, in the determination of the City it is necessary because the discharge from the sump pump is creating a nuisance or hazardous situation.

PENALTY; 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.

HEARING; Any person aggrieved by any provision of this chapter must request a hearing before the City Council within 30 days following an inspection or the imposition of the surcharge. The finding of the City Council shall be final. Any person aggrieved by the actions of the City Council under the provisions of this chapter may seek such relief through the Courts as provided by law.

SECTION 2. Chapter 95 Section 04.02 Code of Ordinances of the City of Aplington, Iowa is hereby repealed and the following adopted in lieu thereof:

2. Surface Run-off or Groundwater. Connection of a roof downspout, sump pump, foundation drain, area drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer system.

SECTION 3: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. 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 11th day of January , 2012, and approved this 11th day of January, 2012.

Jason Mehmen

MAYOR

ATTEST:

Deb Prier

CITY CLERK

I certify that the foregoing was published as Ordinance No. 193 on the 13th day of
January, 2012.

_____ Deb Prier _____

CITY CLERK