

CHAPTER 100

DISCHARGE OF STORM WATER INTO PUBLIC SEWERS

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100.01 PURPOSE. The purpose of this chapter is to set forth the procedures, including incentives, that will be used to enforce the provisions of Section 97.01 of this Code of Ordinances which prohibits the discharge of storm water into the public sewer system.

100.02 TESTING PROCEDURES. The Superintendent is authorized and directed to cause "smoke tests," "dye tests," "TV monitor tests," or any combination of such tests to be conducted within any area subject to surcharging and any area that may contribute to surcharging in order to locate conditions which would permit storm water, surface water, or ground water drainage to enter a building sanitary drain, building sanitary sewer, or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water or dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or if smoke pumped into the public sanitary sewer emerges from locations on private property. The testing shall be paid for by the City.

100.03 INSPECTION AUTHORIZATION.

1. The Superintendent is authorized and directed to cause an inspection of the plumbing fixtures and facilities, down spouts, sump pumps, building drains, building sewers, yard drains, area drains and building or lot storm water, surface water or ground water drainage devices located on or used by premises located in the City, in an effort to locate conditions which would permit storm water, surface water or ground water drainage to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises.

2. The Superintendent shall notify the owner and occupant of a premises that the City desires to inspect the premises for the purposes set forth in this chapter. Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises or within the corporate limits of the City, the owner shall be notified by first class mail. Notification by mail shall be sufficient and complete upon deposit in the U.S. mail, postage prepaid, in an envelope addressed to the recipient's last known address.

3. The owner, and the occupant (if the owner does not reside on the premises), shall have thirty (30) days from the date of notification in which to give voluntary consent to the inspection and to allow the inspection. Refusal to allow inspection shall be deemed to have occurred in the following events:

- A. When upon request for inspection by the City employee, the owner or occupant gives a verbal statement denying entrance to the premises or physically restricts the City employee from entering the premises;
 - B. When there is no response to the mailed notice by the owner, or by the occupant (in those cases where an owner does not reside in the premises), within thirty (30) days of the date the City has mailed the written notice.
4. Each owner and occupant of a premises shall provide access in the premises to allow the inspection. Access for the purposes of this chapter shall include providing unobstructed physical access to all portions of the premises and providing a cleanout to allow entrance into sewer pipes on the premises. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout. The Superintendent shall notify the owner, and the occupant (in those cases where an owner does not reside in the premises), of the existence of any condition which the Superintendent believes may constitute a failure to provide an adequate unobstructed cleanout.
5. If the City is unable to secure the consent of the owner, and of the occupant (in those cases where an owner does not reside in the premises), of the premises to conduct the inspection or to provide proper access, then the City attorney is hereby authorized and directed to seek judicial authorization for the City to enter the premises and conduct the inspection and/or provide access.

100.04 VIOLATIONS.

1. After the City has inspected the premises, the Superintendent shall notify the owner, and the occupant (in those cases where an owner does not reside in the premises), of the results of the inspection. If the inspection reveals a violation of Section 97.01, the owner shall have the following periods to correct the violations:
 - A. If a sump pump is hooked into the sanitary sewer, it shall be permanently unhooked within ten (10) days of such notice.
 - B. If a perimeter tile or any other source of surface water or groundwater is hooked into the sanitary sewer, then all such tiles and sources shall be disconnected within one year of the date of such notice.
2. The time limits set forth in this section are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed, and failure to comply with same shall cause an owner to lose the grant incentive referred to in Section 100.09.
3. With respect to the requirement of disconnecting perimeter tiles or other sources, all such work shall be done in accordance with all City regulations. The owner and occupant shall allow the City to inspect all work to ensure that it has been done in conformity with such regulations.

100.05 SUMP PUMP EXCEPTION.

1. The Superintendent may grant a special, limited permit to allow discharging of groundwater into a building sewer or building drain which is connected to a public sanitary sewer. This permit will apply only during the period from November 15 through March 15 each year, and only if all of the following conditions are met:

- A. The building or other structure from which the discharge occurs regularly and consistently experiences an influx of groundwater throughout the period of November 15 through March 15, sufficient to create flooding of the building or structure if the water is not removed.
- B. The discharge of groundwater into the building sewer or building drain occurs through the mechanism of a sump pump.
- C. The water cannot be discharged outside of the building or structure without creating a serious hazard and risk to the public safety from ice accumulations on City streets or sidewalks.
- D. The owner of the premises submits a written application for the permit, explaining the need therefor, and providing the names, addresses and phone numbers of at least two persons who have personal knowledge of the influx of water into the premises during the winter months and can confirm the need for the special permit.
- E. The applicant pays a non-refundable \$30.00 fee with the application.
- F. The owner at his or her own expense, purchases, installs and maintains in good working order a valve with a lock-out tag, of a type acceptable to the Superintendent, and purchases from the Superintendent a uniform padlock (to be provided at the City's cost plus shipping), so that groundwater from the sump pump can be diverted through the lock-out valve away from the building sewers and drains, to an acceptable discharge point outside of the building or structure.
- G. The owner and the occupant (in those cases where an owner does not reside in the premises), give voluntary consent and allow the Superintendent to enter the premises upon request for the following purposes:
- (1) To inspect the premises to determine whether a permit should be granted.
 - (2) To inspect the premises to determine ongoing need for the permit and confirm compliance with the provisions of this chapter.
 - (3) To install and remove the padlock on the lockout valve at the beginning and ending of each winter permit period.
- H. The owner and occupant do not tamper with or alter the padlock or lock-out valve, and discharge water into the system only during the winter permit period.
2. The Superintendent shall inspect the premises and notify the owner, and the occupant (in those cases where an owner does not reside in the premises), of a time and place where they may be heard on the matter of granting the permit. Upon hearing, the Superintendent may grant or deny the permit.
3. The Superintendent may revoke a permit following notice and opportunity for hearing, if at any time the conditions no longer warrant the permit or the requirements of this chapter are not met. If the permit is revoked, the owner, at his own expense, shall remove the lock-out valve and replace it with a permanent pipe which bypasses the sanitary sewer system.

100.06 ABATEMENT OF VIOLATIONS. A violation of the provisions of this chapter shall be deemed a nuisance, and the same may be abated by the City in the manner provided for the abatement of nuisances as outlined in Chapter 50 of this Code of Ordinances.

100.07 SERVICE DISCONNECTION. In the event an owner, or an occupant (in those cases where an owner does not reside in the premises), fails or refuses to provide access, fails or refuses to complete all corrective action, or otherwise fails or refuses to comply with any of the provisions of this chapter, the City shall have the right to terminate water service and sewer service to the premises. Water service and sewer service shall remain terminated as long as such failure or refusal persists. The owner shall become liable to the City for any expense, loss or damage occasioned the City by reason of such failure or refusal.

100.08 OWNER/OCCUPANT RESPONSIBILITY.

1. In certain cases the occupant of the premises will not be the owner of the premises. Notice of actions required by this chapter will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this chapter, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this chapter.

2. Owner is used in the singular in this chapter. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this chapter. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

100.09 CITY GRANTS.

1. Grant Incentive. The owner of a premises shall be eligible to receive a grant of the lesser of five hundred dollars (\$500.00) or the reasonable costs of unhooking the perimeter tile or other source of surface water or groundwater from the sanitary sewer (except sump pumps), if all of the following conditions are met:

A. An owner, or the occupant (in those cases where an owner does not reside in the premises), have voluntarily provided access to the premises.

B. An owner, and the occupant (in those cases where an owner does not reside in the premises), have voluntarily consented to and allowed an inspection of the premises within the time frame set forth in Section 100.03.

C. The owner has disconnected the perimeter tile or other source within the time-limits prescribed in Section 100.04. (There is no grant incentive for disconnecting a sump pump.)

D. The owner submits to the City Administrator a written request for the grant and copies of the bills for actual costs incurred in disconnecting the tile or other source, within six months of completion of the work.

2. Ineligibility for Grant. An owner shall be ineligible to receive a grant if the owner or the occupant (in those cases where an owner does not reside in the premises) have done any of the following:

- A. Failed to voluntarily provide access or remove any obstruction to access.
- B. Failed to consent to and allow inspection of the premises within the time period set forth in Section 100.03. Failure to allow inspection includes withholding of consent by an occupant of the premises in those cases where an owner does not reside in the premises.
- C. Failed to complete all corrective action within the time period set forth in Section 100.04.
- D. Failed to comply with any other provisions of this chapter.

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