

ORDINANCE NO. 08-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORWALK, IOWA, AS AMENDED, BY CREATING CHAPTER 167 TO ESTABLISH FOUNDATION DRAIN REMOVAL DISTRICTS AND TO ESTABLISH CERTAIN PROVISIONS FOR THE REMOVAL OF FOUNDATION DRAIN CONNECTIONS TO THE SANITARY SEWER SYSTEM, AND THE ESTABLISHMENT OF SURCHARGES FOR FOUNDATION DRAIN CONNECTIONS WITHIN THE DISTRICT BOUNDARIES

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA, that:

SECTION 1. A new Chapter 167 of the Code of Ordinances of the City of Norwalk, Iowa, as amended, is established to include the following sections:

- ____.1 Purpose. The purpose of this chapter is to eliminate foundation drain connections to the sanitary sewer system by the establishment of a limited financial assistance payment to sanitary sewer system customers that disconnect a foundation drain from the sanitary sewer system within a specified period of time, and to establish monthly surcharge payments for sanitary sewer system customers within established districts that fail to disconnect foundation drains within a specified period of time following the establishment of a district.
- ____.2 Applicability. Except as provided in _____.6 the provisions of this chapter shall be applicable only within the boundaries of a district established under this Chapter.
- ____.3 Districts. The foundation drain removal districts established under this chapter include:
- _____.3.1 Foundation Drain Removal District 1 shall consist of the area located within the following subdivisions: David Gordon Heights, Norwalk Knolls Plat 1, Norwalk Knolls Plat 2, Norwalk Knolls Plat 3, Norwalk Knolls Plat 4, Westwood Estates 1, Westwood Estates 2. District 2-6 to follow.
- _____.3.2 Attachment A: Districts 1 – 6 Map.
- ____.4 Removal of Foundation Drain Connections Required. All direct or indirect connections of a foundation drain, footing drain, sump pump or similar system or devise intended to collect and convey groundwater along, adjacent to, beside or under the foundation or basement of any building within the established district shall be disconnected from the sanitary sewer system within one (1) calendar year after the establishment of the district in which said connection is located. 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 foundation drain flow to enter the sanitary sewer system.

____.5 Financial Assistance for Removal. Any sanitary sewer system customer completing the disconnection of a foundation drain from the sanitary sewer system under the provisions of this Chapter shall be entitled to a financial assistance payment from the City not to exceed Seven Hundred Fifty and 00/100 Dollars (\$750.00) of actual costs incurred for said removal. Financial assistance shall be subject to compliance with the provisions of this chapter for an Approved Removal Procedure. Such payment shall be subject to the submittal of invoices, vouchers and documentation clearly establishing the costs incurred. If the property owner undertakes some portion of the labor for the Approved Removal Procedure, the property owner may request reimbursement of not more than twelve (12) hours labor at a rate of Twenty-Five and 00/100 Dollars (\$25.00) per hour. To qualify for the financial assistance the Approved Removal Procedure must be completed and the sanitary sewer system customer make written application to the City for the financial assistance within one (1) calendar year after the date the district in which the property is located is established.

____.6 Removal of Outside District. Any sanitary sewer customer located outside an established district shall be entitled to the Financial Assistance for Removal under ____5 if the customer completes an Approved Removal Procedure with such procedure being completed within one (1) calendar year of the effective date of this chapter.

____.7 Approved Removal Procedure. The Approved Removal Procedure for a direct or indirect foundation drain connection to the sanitary sewer system for purposes of the financial assistance under this Chapter must fully comply with the following:

____.7.1 Prior Inspection. Prior to any work on the removal or disconnection of the foundation drain connection the existing connection must be inspected by the City of Norwalk. The sanitary sewer system customer shall be responsible to schedule the inspection.

____.7.2 Approved System. An approved system for the removal of foundation drain connections must be used. The approved system shall consist of a sump pump and sump pit with a discharge to an approved yard location.

____.7.3 Plugging of Existing Connection. Any direct or indirect connection between the foundation drain and the sanitary sewer system of the building shall be permanently plugged.

____.7.4 Floor Drain Connection Prohibited. The new system shall be installed in such a manner that direct or indirect flow from the foundation drain to a floor drain shall not be possible.

____.7.5 Post-Construction Inspection. The installation of the sump pump and associated facilities the work shall be inspected by the City. The sanitary sewer customer shall be responsible to schedule the post-construction inspection.

____.8 Conditions of Financial Assistance Payment. Any sanitary sewer customer requesting the financial assistance participation under this Chapter must be the owner of the property and as a condition of the assistance must agree in writing to the following:

____.8.1 Inspection. The City, on reasonable notice, may inspect the foundation drain connection at any time.

____.8.2 Maintenance and Repair. The property owner shall maintain the sump pump system and timely complete any repairs or replacement of the sump pump system.

____.8.3 Discharge Modifications Prohibited. The property owner shall agree not to modify the sump pump discharge in any manner that would directly or indirectly contribute foundation drain flow to the sanitary sewer system.

____.8.4 Non-Compliance Charge for Foundation Drain Connection. The property owner shall agree to be subject to the provisions of this Chapter regarding the user fee for foundation drain connection in the event the property owner fails to repair or replace the sump pump or to cure any other prohibited modifications of the system within thirty (30) days following notice by the City of Norwalk.

____.8.5 Agreement Runs with the Land. Property owner shall agree that the requirements of this Chapter shall run with the land and such agreement may be recorded by the City of Norwalk in the office of the Warren County Recorder.

____.9 Non-Compliance Fee for Foundation Drain Connection. Any sanitary sewer customer within an established district with a direct or indirect foundation drain connection to the sanitary sewer system remaining in place one (1) year after the establishment of the district shall be subject to a monthly payment of Fifty Dollars (\$50.00) for the extraneous flow, or potential extraneous flow, contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges. Two (2) years after the establishment of the

district shall be subject to an increased monthly payment of One Hundred Dollars (\$100.00).

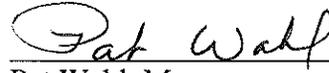
- ____.10 **Rebuttable Presumption.** There is a presumption that all sanitary sewer customers within the established district have a foundation drain connection to the sanitary sewer system as prohibited under this Chapter. Effective one (1) year after the establishment of the district all properties within the district that have not completed an Approved Removal Procedure or other equivalent removal procedure inspected and documented by the City of Norwalk shall be presumed to have a foundation drain connection for purposes of this Chapter.
- ____.11 **Refund of Non-Compliance Fee.** Any property subject to the fee under this Chapter may request the City of Norwalk to inspect the sanitary sewer service. If the City determines there was no direct or indirect foundation drain connection as of the date of establishment of the District, the City shall refund all extraneous flow payments collected. In the event the City determines a foundation drain disconnection was completed and the foundation drain connection no longer exists, the City shall discontinue the imposition of the extraneous flow charges for that sanitary sewer customer and shall refund previous payments. Such refund shall be limited to the number of monthly payments made or three (3) months, whichever is smaller.
- ____.12 **Inspection and Notice.** The City may conduct periodic inspections of properties to confirm there are no direct or indirect connections of the foundation 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 that has not been inspected and determined to have been removed, the property shall be subject to the extraneous flow charge provisions under this Chapter. The payment shall continue until such time as the City determines through inspection the direct or indirect foundation drain connection no longer exists.

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.

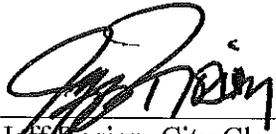
SECTION 4. EFFECTIVE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL on the 2nd day of October, 2008.



Pat Wahl, Mayor

ATTEST:



Jeff Kosien, City Clerk

Published on _____, 2008.