

AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES OF THE CITY OF WATERLOO, IOWA, BY ADDING A NEW ARTICLE F, FOUNDATION DRAIN DISCONNECTION, OF CHAPTER 3, SEWER REGULATIONS, OF TITLE 8, PUBLIC UTILITIES.

BE IT ORDAINED by the City Council of the City of Waterloo, Iowa:

That a new Article F, Foundation Drain Disconnection, of Chapter 3, Sewer Regulations, of Title 8, Public Utilities, is hereby enacted as follows:

TITLE 8  
CHAPTER 3  
SEWER REGULATIONS  
ARTICLE F. FOUNDATION DRAIN DISCONNECTION

**8-3F-1: PURPOSE:** The purpose of this article is to eliminate foundation drain connections to the sanitary sewer system in order to mitigate detrimental impacts caused by sanitary sewer overflows. The City hereby enacts a program, to be progressively implemented in additional areas of the City, that will provide a limited financial assistance payment to sanitary sewer system customers in established districts 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.

**8-3F-2: APPLICABILITY:** The provisions of this article shall be applicable only within the boundaries of a district established under this article.

**8-3F-3: DEFINITIONS:** For purposes of this article, a “foundation drain” is any foundation drain, footing drain, footing tile, sump pump, or similar system or device intended to collect and convey groundwater along, adjacent to, beside or under the foundation or basement of any building in a manner that connects with the sanitary sewer system, or any downspout, drain, or similar system or device intended to collect and convey surface waters in a manner that connects with the sanitary sewer system.

**8-3F-4: DISTRICTS:** The foundation drain disconnection districts established under this article include the following areas, each to have the effective date stated for such district, and if no date is specified, then effective upon publication of the ordinance adopting this article. Additional districts will be created from time to time by amendment hereto.

- A. Foundation Drain Disconnection District 1 shall consist of the areas identified as Sanitary Service Areas 15 and 16 on the Sanitary Service Area Map which is on file in the office of the City Building Official. The effective date for said district is January 1, 2015.

**8-3F-5: DISCONNECTION OF FOUNDATION DRAIN CONNECTIONS REQUIRED:** All direct or indirect connections of a foundation drain within the established district shall be disconnected from the sanitary sewer system within two (2) years after the effective date of establishment of the district in which said connection is located. Disconnection shall mean termination 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 any similar plumbing fixture that would allow foundation drain flow or surface water flow to enter the sanitary sewer system. All disconnections of any such foundation drain systems or devices shall conform to current standards adopted as administrative policy by the City Building Official.

**8-3F-6: FINANCIAL ASSISTANCE FOR DISCONNECTION:** Any sanitary sewer system customer completing the disconnection of a foundation drain from the sanitary sewer system as provided in this article shall be entitled to a financial assistance payment from the City not to exceed two thousand dollars (\$2,000.00) of actual costs incurred for said disconnection, which may also include the cost to install backflow prevention devices. Financial assistance shall be subject to compliance with the provisions of this article for an approved disconnection procedure. Such payment shall be subject to the submittal of invoices, vouchers and documentation clearly establishing the costs incurred. To qualify for the financial assistance, the approved disconnection procedure must be completed within two (2) years after the effective date for establishment of the district in which the property is located, and the sanitary sewer system customer must submit a written application for assistance in complete form to the City no later than thirty (30) days after the end of said 2-year period. Approved disconnections made before the effective date for establishment of the district but after the date of adoption of the ordinance that identified the district will also be eligible for the financial assistance payment, provided that payment will not be made until after the effective date. In order to ease the City's administrative burden and to reduce program costs, the application for assistance shall include, on a form approved by the City Building Official, an assignment to the contractor of the applicant's right to receive the financial assistance payment. Any work done after said 2-year period for purposes of complying with the requirements of this article will not qualify for any financial assistance hereunder. The payment of financial assistance by the City under this section shall not be deemed to give rise to any liability on the part of the City for work performed by a contractor or any other person.

**8-3F-7: APPROVED DISCONNECTION PROCEDURE:** The approved disconnection procedure for a direct or indirect foundation drain connection to the sanitary sewer system for purposes of the financial assistance under this article must fully comply with the following and must conform to current standards adopted as administrative policy by the City Building Official:

1. **Approved System.** An approved system for the termination 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 or to an available storm sewer.
2. **Licensed Contractor.** All work for an approved disconnection procedure shall be performed by a master plumber or a residential building contractor duly licensed by the City. Work done by a residential building contractor under this article must remain within the scope of authorized work as defined by current standards adopted as administrative policy by the City Building Official.
3. **Plugging of Existing Connection.** Any direct or indirect connection between the foundation drain and the sanitary sewer system serving the building shall be permanently plugged.
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.

5. 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.

**8-3F-8: FURTHER CONDITIONS OF FINANCIAL ASSISTANCE PAYMENT:** Any sanitary sewer customer requesting the financial assistance participation under this article must be the owner of the property, and as a condition to receiving the assistance the owner must agree in writing to the following:

1. Inspection. The City, on reasonable notice, may inspect the foundation drain connection at any time.
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.
3. Discharge Modifications Prohibited. The property owner shall not modify the sump pump discharge in any manner that would directly or indirectly contribute foundation drain flow to the sanitary sewer system.
4. Non-Compliance Fee for Foundation Drain Connection. The property owner shall be subject to the provisions of 8-3F-9 regarding the extraneous flow 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.
5. Agreement Runs with the Land. The property owner shall agree that the requirements of this article shall run with the land. Such agreement may be recorded by the City in the office of the Black Hawk County Recorder, or the City may elect to maintain a record or database of properties governed by such an agreement.

**8-3F-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 two (2) years after the effective date for the establishment of the district shall be subject to a monthly fee of \$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 and shall continue to accrue from month to month until such time as the City determines through inspection either that the direct or indirect foundation drain connection no longer exists or that there was no direct or indirect foundation drain connection as of the date of establishment of the district. Extraneous flow fees remaining unpaid may be assessed against the property for collection in the same manner as a property tax, as provided in state law.

**8-3F-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 article. Beginning two (2) years after the effective date for the establishment of the district, all properties within the district that have not completed an approved disconnection procedure or other equivalent disconnection procedure inspected and documented by the City, or that have not provided to the City a certified statement from a licensed master plumber, licensed residential building contractor, or City plumbing inspector that the property does not have a foundation drain connection, shall be presumed to have a foundation drain connection for purposes of this article.

**8-3F-11: REFUND OF NON-COMPLIANCE FEE:** Any property owner subject to the extraneous flow fee under this article may request the City to inspect the sanitary sewer service. If the City determines there was no direct or indirect foundation drain connection as of the effective date for establishment of the district, the City shall refund all extraneous flow fees collected and shall cancel all such fees that have accrued but have not been 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 fees 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 less.

**8-3F-12: INSPECTION AND NOTICE:** Upon reasonable advance 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 issue a written notice to the property owner. The property owner shall have thirty (30) days to cure the defect and to arrange for a re-inspection by the City. If at the end of such period the direct or indirect connection has not been inspected and determined to have been terminated in accordance with 8-3F-6, the property shall be subject to the extraneous flow fee provisions of 8-3F-9. The payment shall continue until such time as the City determines through inspection the direct or indirect foundation drain connection no longer exists.

INTRODUCED:  
PASSED 1<sup>st</sup> CONSIDERATION:  
PASSED 2<sup>nd</sup> CONSIDERATION:  
PASSED 3<sup>rd</sup> CONSIDERATION:

PASSED AND ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014, and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Ernest G. Clark, Mayor

ATTEST:

\_\_\_\_\_  
Suzy Schares, City Clerk

CERTIFICATE

I, Suzy Schares, City Clerk of the City of Waterloo, Iowa, do hereby certify that the preceding is a true and complete copy of Ordinance No. \_\_\_\_\_ as passed and adopted by the Council of the City of Waterloo, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

[SEAL]

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Suzy Schares, CMC  
City Clerk