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KIM ANDERSON, RECORDER
HAMILTON COUNTY IOWA

**ORDINANCES 2010-1722 AND 2011-1739
USE OF PUBLIC SEWERS**

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Description:

Ordinance No. 2010-1722 – Passed and Adopted 12/13/10: An ordinance amending the Code of Ordinances of the City of Webster City, Iowa, 1996, by amending Chapter 97 on the use of Public Sewers.

Ordinance No. 2011-1739 – Passed and adopted 04/18/11: An ordinance amending the Code of Ordinances of the City of Webster city, Iowa, 1996 by amending chapter 97 on the use of Public Sewers

ORDINANCE NO. 2010 – 1722

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WEBSTER CITY, IOWA, 1996 BY AMENDING
CHAPTER 97 ON THE USE OF PUBLIC SEWERS**

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

SECTION 1. PURPOSE. The purpose of this ordinance is to establish rules of compliance for the drainage systems of the various tracts of real property located within the City of Webster City, Iowa, that promote the general health, welfare and safety of its citizens.

SECTION 2. AMENDMENT. Section 97.01 is amended to read as follows:

97.01 STORM WATER. No person or entity shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, such as a flowing well, sump-pumped water from an inside or outside drain, footing tile, uncontaminated cooling water, or unpolluted industrial process water by way of a drain or surface runoff, directly or indirectly, to any sanitary sewer. Such waters shall be discharged to sewers that are specifically designated as storm sewers, or to a natural outlet approved by the City. Any discharge tile or lines that are connected to a storm sewer shall include a check valve.

SECTION 3. AMENDMENT. Section 97.02 is amended to read as follows:

97.02 COMPLIANCE REGARDING WATER DISCHARGE. The drainage systems of many tracts of real property within the City have caused storm and other water to be discharged into the public sanitary sewers. This often results in an overload of the City's sanitary sewer disposal system, which causes flooding of residential basements, sanitary sewage being discharged into local streams without being fully treated, substantially reducing the capacity of the waste water facilities, and the additional wear and tear that is placed on the City's wastewater treatment plant.

1. **Mandatory Compliance for Sump Pump.**

A. Duty to Inspect: The owner of real property shall have the duty to inspect and test each and every tract of real property connected to the City's waste water facilities, except for mobile homes, located within the City and to determine whether said property complies with the sump pump, down spout and surface drainage provisions of this ordinance. Inspections shall be certified by an inspector approved by the City for such purposes.

B. Responsibility of Owners: It shall be the responsibility of the owner of a tract of real property located within the City and connected to the City's waste water plant to disconnect and remove from the City's sanitary sewer system all water drainage from the said property by means of sump pumps, downspouts, surface drainage or hoses by June 1, 2012. It shall further be the responsibility of the owner to schedule an inspection of their property with the City or its designated contractor prior to June 1, 2012.

C. Certificate of Compliance: If the tract of real property complies with the provisions of this ordinance as determined by the City or its designated contractor, the owner shall receive from the approved inspector a Certificate of Compliance, which shall be provided to the City. The City reserves the right to reinspect any property believed to be out of compliance once a certificate has been provided to the City. Failure to allow the City to reinspect the property shall result in the costs under Section E (2) of this ordinance to be assessed.

D. Cost: The cost of inspecting and testing shall be established by resolution of the City Council. Costs shall be paid by the owner of the property at the time of inspection. Owners determined not to have sump pumps during the inspection may request reimbursement of inspection costs from the City upon delivery of the certificate of inspection to the City. All costs of compliance are also the responsibility of the owner of the property.

E. Failure of Compliance:

(1) Failure on the part of the owner, tenant, or other person in possession of a tract of real property to allow the City or its designated contractor to inspect and test for compliance of this ordinance will be considered in non-compliance after **June 1, 2012**.

(2) Failure to comply with Sections 97.01 and 97.02 by

June 1, 2012, shall result in an increase in the monthly utility bill for that real estate. Such increase shall continue until compliance is achieved. The amount of the increase shall be one hundred dollars (\$100.00) per month.

(3) The City may also consider taking legal action against a property owner who has failed to comply with Section 97.01 when such failure causes the City to incur expenses or damages resulting from water that is discharged into the sanitary sewer.

2. Notices.

A. Recording. Sections 97.01 and 97.02 shall immediately be placed in a verified notice to be signed by the City Manager and filed with the Hamilton County Recorder, so that the same shall appear in all real property abstracts of title.

B. Property Owners. Any notices given to owners of real property in regard to Sections 97.01 and 97.02 shall be made in writing and may be delivered in person, posted on the front door, or by ordinary mail to the owner's last known address.

3. Sale of Real Property.

All sales of real property after June 1, 2012, that are located within the limits of Webster City and are connected to the City's sanitary sewer system, shall be inspected by the City or its designated contractor to determine whether the said property complies with Section 97.01.

A. If the real property does comply, the City, or designated contractor, shall provide the seller with a verified permit that shows compliance. The cost of inspecting and testing shall be borne by the seller, unless the buyer agrees to pay the cost. If the real property does not comply it shall be placed into compliance prior to the closing of the sale of the real property, and the City or designated contractor, shall re-inspect or retest the discharge of water at that time. The costs associated with any corrections required to consider a property compliant will be paid by the seller, unless the buyer agrees to pay the cost, but shall not be the responsibility of the City.

B. Once the property is found to be in compliance under this section, the City will issue the Certificate of Compliance to be recorded with the

County Recorder. Failure to comply with Sections 97.01 and 97.02 shall be dealt with as explained in subparagraph E. of subsection 1, above, except that the increase in the monthly utility bill for that real property shall begin on the first day of the month after the closing of the sale.

C. In the event that a property is not in compliance with Sections 97.01 and 97.02, but if weather/availability of contractor does not permit the improvements to be made prior to the scheduled real estate closing, the following requirements shall be complied with before a certificate will be issued:

(1) The City receives a copy of the failed inspection checklist (signed and dated) noting the items of non-compliance.

(2) The Seller shall submit to the City, a formal, written proposal from the contractor hired to complete the work to bring the property into compliance. This proposal will include a time frame in which the work will be completed, but shall not be longer than six months from the date of the non-compliance notice.

(3) The seller and buyer agree to hold 125% of the amount of money set forth in the written proposal in escrow until the work is completed. With proof from the closing agent that sufficient funds have been escrowed, the transaction can close and a certificate of compliance will be issued.

(4) The City receives a copy of a signed agreement between the contractor and the party taking responsibility for paying for the corrective work.

(5) The City receives a written explanation of the work to be performed that will easily identify the proposed work to be done in order to bring the property into compliance.

D. The City, or designated contractors, shall re-inspect or retest the discharge of water at its earliest convenience after the work is completed. The cost for this re-inspection shall be borne by the seller, unless the buyer

agrees to pay the cost. If the property is found to be non-compliant after such a date, the new property owner will be subject to the penalty provisions in this ordinance.

E. Once a property has passed this inspection, the next time it changes ownership, the property shall either be reinspected for compliance, or the Seller shall provide to the Buyer a certification that the property is in compliance.


SECTION 4. SEVERABILITY.

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity as a whole of any section, provision, or part not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

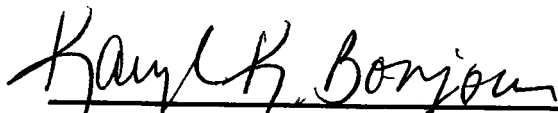
This ordinance shall be in effect after its final passage, approval, and publication.

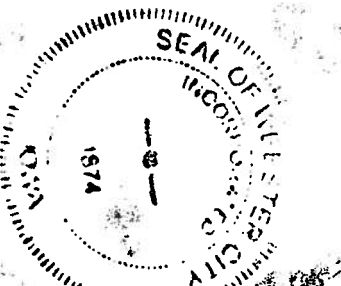
Passed by the City Council on the 13th day of December, 2010.



Janet Adams, MAYOR

ATTEST:


Karyl K. Bonjour, CITY CLERK



ORDINANCE NO. 2011 - 1739

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEBSTER CITY, IOWA, 1996 BY AMENDING CHAPTER 97 ON THE USE OF PUBLIC SEWERS

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

SECTION 1. SECTION MODIFIED. Chapter 97, Section 02, Paragraph 2(A), of the Code of Ordinances of the City of Webster City, Iowa, 1996, is **repealed**:

2. **Notices.**

A. (Reserved)

SECTION 2. SECTION MODIFIED. Chapter 97, Section 02, Paragraph 3(B) of the Code of Ordinances of the City of Webster City, Iowa, 1996, is **repealed and the following adopted in lieu thereof**:

B. Once the property is found to be in compliance under this section, the City will issue the Certificate of Compliance. Failure to comply with Sections 97.01 and 97.02 shall be dealt with as explained in subparagraph E. of subsection 1, above, except that the increase in the monthly utility bill for that real property shall begin on the first day of the month after the closing of the sale.

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 after its final passage, approval and publication as provided by law.

Passed by the City Council on the 18th day of April, 2011.



Janet Adams, MAYOR

ATTEST:


Karyl K. Bonjour, CITY CLERK