

ORDINANCE No. 2015-4

BILL No. 1

AN ORDINANCE ESTABLISHING AN INSPECTION PROGRAM FOR PRIVATELY OWNED LATERALS AND SUMP PUMPS TO ELIMINATE INFILTRATION AND INFLOW OF GROUNDWATER AND SURFACE WATER INTO THE SANITARY SEWER SYSTEM OF ROCK CREEK PUBLIC SEWER DISTRICT OF JEFFERSON COUNTY, MISSOURI

WHEREAS, state and federal environmental regulations prohibit the discharge of improperly treated wastewater into rivers, streams and lakes and onto the ground; and

WHEREAS, the infiltration and inflow of groundwater and surface water into a sanitary sewer system reduces the capacity and ability of the system to transport and properly treat wastewater in compliance with state and federal regulations; and

WHEREAS, the infiltration and inflow of groundwater and surface water into a sewer system can overwhelm the system which may result in the overflow of untreated sewage from manholes onto adjoining property which poses an immediate public health risk and may wash into the rivers, streams, and lakes and thereby impair water quality in said bodies of water in violation of environmental regulations; and

WHEREAS, the infiltration and inflow of groundwater and surface water into the sanitary sewer system may result in the backup of sewage and storm water into residences and businesses which creates a public health risk and can cause extensive property damage; and

WHEREAS, the Rock Creek Public Sewer District is committed to correcting all infiltration and inflow of groundwater and surface water into the District's public sanitary sewer system; and

WHEREAS, private sewer connections to buildings, known as laterals, typically make up about half the total length all the pipes of a sanitary sewer system; and

WHEREAS, case studies done by the Water Environment Federation estimate that from five to fifty percent of inflow and infiltration of groundwater and surface water into a public sewage system comes from private laterals; and

WHEREAS, the sewer system of Rock Creek Public Sewer District is a closed system and therefore was not designed with a capacity to transport wastewater and storm water; and

WHEREAS, the Rock Creek Public Sewer District has determined that it is in the best interest of health, safety, and welfare of the residents of the Rock Creek Public Sewer District to implement a program of inspection of privately owned laterals and connections and to mandate the repair of defects found within said laterals and sewer connections to prevent the inflow and infiltration of ground water and surface water into the sanitary sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE ROCK CREEK PUBLIC SEWER DISTRICT OF JEFFERSON COUNTY, MISSOURI AS FOLLOWS:

Section 1. **SHORT TITLE.** This ordinance shall be known as and may be cited as the “Lateral Service Inspection Program”.

Section 2. **DEFINITIONS.**

1. Certification of Sewer Lateral – An official statement from the proper official of Rock Creek Public Sewer District stating there are no known illegal storm or surface water connections into the lateral of the individual property and that the lateral is not considered to be a defective lateral under the terms of this ordinance.
2. Defective Lateral- A lateral, including its connection to the sanitary sewer, that is in such condition that it is not water tight and could allow groundwater or surface water to enter the lateral; could allow sanitary sewage to seep or leak from the pipe; has roots that have compromised the integrity of the lateral; has rocks, wood or other debris within the lateral that could impede the flow of sewage; has a p-trap or other piping configuration that would impede smoke testing of the lateral; and/or has been damaged in any way that would impede the flow of sewage.
3. District – Rock Creek Public Sewer District of Jefferson County, Missouri.
4. Grinder Pump System – A privately owned wastewater collection and disposal system, serving a single structure, that provides for the collection, temporary storage, and grinding of wastewater that is then discharged via a pump to the sewer system of Rock Creek Public Sewer District.
5. Ground Water – Water that is below the surface of the ground that largely consists of surface water that has seeped into the ground through soil, sand and fractured rock. It also includes natural springs below the surface of the ground.
6. Illegal ground water or surface water connections – The discharge of ground water, surface water or storm water into the sanitary sewer system from any source including, but not limited to, the connection of downspouts, roof drainage, driveway drainage, surface area drainage, sump pump, or foundation drainage.

7. Lateral – The pipe connecting a building or land use to the sanitary sewers of Rock Creek Public Sewer District.
8. Lien letter – A written letter from the proper official of the Rock Creek Public Sewer District concerning the status of Rock Creek Public Sewer District liens.
9. Newly constructed structure – A completed building that is ready for occupancy but has not yet been lived in or occupied.
10. Notice of Violation – A written notice issued by Rock Creek Public Sewer District citing one or more violations of this ordinance, identifying the owner of the property, the address of the property, specifying the remedial action required, and the time frame for completion of the repairs necessary to achieve compliance with the provisions of this ordinance
11. Person – Any individual, syndicate, association, partnership, firm, corporation, company, institution, agency, authority, property owner, renter, lessee or other entity recognized by law as the subject of rights and duties.
12. Premises or Property – A structure and/or lot, parcel or tract upon which it is located.
13. Sanitary sewer system - The pipes, manholes, pump stations, laterals, grinder pumps, and all appurtenances thereto that are used for the collection of wastewater from property and the transportation of said wastewater for treatment at a wastewater treatment plant that is operated by Rock Creek Public Sewer District under a license issued to the District by the Missouri Department of Natural Resources. This definition includes all facilities whether publicly owned and maintained or privately owned and maintained.
14. Service Area - Any property that is located within the boundaries of the Rock Creek watershed that is connected to the sanitary sewer system of the District and any property that is located outside the boundaries of the Rock Creek watershed that is connected to the sanitary sewer system of the District.
15. Surface Water – Water that is on top of the ground and may flow across the surface of the ground or may seep into the ground.
16. Sump Pump – A mechanical device that is designed or intended to remove water that has accumulated in a sump basin from around the foundation of a building.
17. Wye – the joint or other connection of the lateral to the sanitary sewers of the Rock Creek Public Sewer District.

Section 3. DISCHARGE OF GROUND WATER AND SURFACE WATER INTO SEWER SYSTEM PROHIBITED.

1. No person shall discharge or permit the discharge of any ground water, storm water, surface water, roof runoff, subsurface drainage, foundation drainage, driveway drainage, cooling water, or unpolluted industrial process water into the sanitary sewer system.
2. All laterals and wyes shall be maintained in such a manner as to prevent ground water and surface water from entering the sanitary sewer system. It shall be a violation of this ordinance to have a lateral or wye or other sewer connection that is disjointed or that has any cracks, holes or other imperfections that would permit ground water or surface water to enter the sanitary sewer system.
3. All lateral cleanouts and cleanout caps shall be secure and maintained in a manner as to prevent ground water and surface from entering the sanitary sewer system. No person shall remove a lateral cleanout cap and no person shall modify or maintain a lateral cleanout cap in a manner that would permit surface water or ground water to enter into the sanitary sewer system.
4. No person shall connect or permit to be connected any gutter, downspout, sump pump, foundation drain, storm drain, area drain or any other connection that would permit ground water or surface water to enter the sanitary sewer system.
5. It shall be a violation of this ordinance to have roots within a lateral, wye, or other sewer connection.
6. It shall be a violation of this ordinance to have a defective lateral.

Section 4. RIGHT OF ENTRY AND INSPECTION.

1. Every owner, lessee, renter, or occupier of any property that is located within the service area of Rock Creek Public Sewer District and is connected to the public sewer system of Rock Creek Public Sewer District shall submit to smoke and /or dye testing or other appropriate test or inspection by Rock Creek Public Sewer District, its employees, agents, and/or designees. The owner, lessee or occupier of the land shall permit said testing upon request. The testing may occur inside and/or outside the structure.
2. Rock Creek Public Sewer District, its employees, agents, and/or designees, in performing the duties and undertaking the programs identified in this ordinance, shall be empowered to enter upon any private property at all reasonable times, with proper notice to the owner, and in accordance with prevailing law, for the purpose of obtaining information, conducting inspections and/or enforcing this ordinance and shall have only those powers expressly set forth in this ordinance and in other ordinances of the District or provided by law to perform its functions consistent with such ordinances.

Section 5. AUTHORIZED INSPECTION AND TESTING

1. The duly appointed District Administrator of Rock Creek Public Sewer District and his designees or assigns are hereby authorized to inspect and test existing laterals, wyes, sump pumps, cleanouts and other connections to the system to determine and assure compliance with this ordinance.
2. Inspections and testing shall include the sanitary sewer system inside and outside of the structure to determine and assure compliance with this ordinance.
3. Approved methods of inspection and testing shall include but not be limited to dye testing, smoke testing, inspection by camera, or any other appropriate test and inspection methods of a lateral, wye and other connections to the sewer system to determine and assure compliance with this ordinance.

Section 6. WHEN INSPECTIONS ARE TO BE CONDUCTED

1. Random Inspections - Inspection and testing of laterals, wyes, and/or premises may be conducted by the District on a random basis to assure compliance with the provisions of this ordinance.
2. Area Wide Inspections - Inspection and testing of laterals, wyes and/or premises may be conducted by the District on an area wide basis to assure compliance with the provisions of this ordinance. Generally, such inspection and testing would be conducted in conjunction with the repair or replacement of sanitary sewers and/or manholes within a subdivision or drainage area. Area wide inspection may also be done in a coordinated effort to reduce inflow and infiltration within the sewer to prevent a sanitary sewer overflow within a targeted area.
3. Change of Ownership – Inspection and testing of laterals, wyes, and premises shall be conducted by the District prior to the change of ownership of any property through sale, transfer of title, or foreclosure of the property within the District in accordance with the provisions of Section 8 of this ordinance.
4. Probable Cause – Inspection and testing of laterals, wyes, and premises may be conducted by the District in any instance where the District has reason to believe from testimony and/or observation that a structure or premise is in violation of the provisions of this ordinance.
5. Testing Exemption – Inspection and testing of laterals, wyes, and premises will not be required when the owner, lessee, or occupant produces a valid Certification of Sewer Lateral issued by Rock Creek Public Sewer District within five (5) years from the date of its issuance. This exemption shall not apply in any instance where the District has probable cause to believe that a structure and/or premise is in violation of the provisions of this ordinance.

Section 7. NOTIFICATION OF FINDINGS

1. Notification of Findings - Rock Creek Public Sewer District shall promptly notify the property owner(s) and occupant(s) in writing of the results of any inspection and testing in the form of a Certification of Sewer Lateral or a Notice of Violation.
2. Issuance of Certification of Sewer Lateral - Upon satisfactory completion of testing and inspection of any property by the Rock Creek Public Sewer District or upon the completion of required remedial action to maintain any property in compliance with the terms hereof, the property owner(s) shall be issued a Certification of Sewer Lateral setting forth the identification of the property owner(s), identification of the property by street address, the date, nature and results of the testing, and the completion of any required remedial action.
3. Issuance of Notice of Violation – In the event that a structure or property is found to not be in compliance with the provisions of this ordinance then a written notice of violation shall be sent to the owner(s) and occupant(s) of such structure or property. The notice of violation shall specify the nature of the violation(s) that were found and shall inform the property owner(s) that said violation or violations must be promptly remedied in accordance with the provisions of Section 9 of this ordinance.

Section 8. INSPECTION BY DISTRICT REQUIRED PRIOR TO SALE, TRANSFER, OR FORECLOSURE OF REAL ESTATE

- 1 Any person who is selling or transferring ownership of their real estate and any person who has their real estate going through foreclosure that is located within the service area of Rock Creek Public Sewer District and is connected to a sanitary sewer must subject such real property to inspection, including inspection of interior premises of any building or residence, by authorized representatives of Rock Creek Public Sewer District at reasonable hours and upon written notice, to determine compliance with the rules and regulations of the Rock Creek Public Sewer District. Such person shall not be issued a Certification of Sewer Lateral until such inspection has been performed and has revealed that there are no illegal ground water or surface water connections or sump pump that may discharge water into the sewer system, that there are no other violation of the rules and regulations of Rock Creek Public Sewer District, or a follow up inspection that verifies all violations identified in the initial inspection have been corrected.
- 2 An inspection certificate shall not be required on the sale of a newly constructed structure to its initial occupant, provided, however, that it was inspected by the District in the due course of construction within sixty (60) months prior to the proposed sale.
- 3 An inspection certificate shall not be required on a sale or transfer of ownership of a structure for which a certificate was previously issued within the preceding sixty (60) months, conditioned upon the submission of a written representation of the property owner, under oath, that there has been no alterations(s) giving rise to an unlawful discharge into the public sanitary sewer system.

4. Rock Creek Public Sewer District shall, from time-to-time, adopt standard forms or applications as may be necessary and appropriate for the facilitation of the inspections and certifications required herein.

Section 9. NOTIFICATION OF VIOLATION AND REQUIREMENT TO REMEDY DEFECTS

1. When any defective lateral, defective wye, illegal ground water connection, illegal surface water connection, or any other violation of this ordinance has been identified, then written notice of said violation shall be provided to the owners and occupants of said property.
2. The notice of violation shall identify all repairs that must be made to bring the property into compliance with the provisions of this ordinance. It shall also stipulate that all the repairs must be completed within the amount of time specified in said notice. In no instance shall the amount of time allowed to complete said repairs exceed sixty (60) days of the date the written notification. All repairs shall be subject to inspection and approval by the District.
3. The written notice of violation shall be sent to the owners and occupants of said property by first class mail and certified mail. A copy of all reports, correspondence and findings shall be maintained as part of the official records of the District.
4. The District Administrator may grant an additional period of time, not to exceed an additional ninety (90) days, to complete the repairs required to bring the property into compliance with the provisions of this ordinance.
5. Any additional time beyond the time authorized to be granted by the District Administrator may only be granted by the Board of Trustees of Rock Creek Public Sewer District.

Section 10. POWERS CONFERRED HEREIN ARE IN ADDITION TO ALL OTHER POWERS AND RESPONSIBILITIES OF AUTHORITIES

The powers conferred by the this ordinance to the District shall be in addition to and not in substitution for any other powers conferred to enforce and require the elimination of illegal storm water and surface water connections to the public sewer systems maintained by Rock Creek Public Sewer District.

Section 11. VIOLATION AND PENALTIES

1. Any person, firm or corporation who is found to have violated any order of Rock Creek Public Sewer District, or who willfully violated or failed to comply with any

hereunder shall pay a civil administrative fine of up to \$1,000.00 following conviction therefor by a court of competent jurisdiction. In addition, The Rock Creek Public Sewer District may recover damages, costs, reasonable attorney fees, court costs, and such other fees and expenses of litigation incurred by the Rock Creek Public Sewer District in the prosecution of this claim. Each day a violation continues shall be deemed an additional offense.

2. Upon ruling by a Judge of the Associate or Circuit Court of Jefferson County, Missouri that a violation of this ordinance exists and the failure by the property owner to act to undertake the repairs or replacement identified in the written notice of violation issued pursuant the provisions of this ordinance, then Rock Creek Public Sewer District, its contractors, and subcontractors shall have the right disconnect the structure from the sanitary sewer system until such time that all repairs or replacement identified in the aforesaid written notice of violation have been completed.
3. All costs and expenses associated with the work to disconnect/reconnect the property from the sanitary sewers owned by the District shall be completed at the sole expense of the property owner. The property owner shall be billed all said costs and expenses and shall have thirty (30) days from the date of issuance of the bill to reimburse the district in full, after which the bill shall be deemed delinquent and shall be subject thereafter to a late fee of one percent (1%) per month on the unpaid balance until such time that the bill is paid in full. Rock Creek Public Sewer District shall have the right to file a lien against subject property for the amount of said expenses, together with costs of filing and perfecting such lien.
4. All costs and expenses related to the repairs or replacement identified in the written notice of violation shall be the sole responsibility of the property owner. All repairs or replacement undertaken to bring the property into compliance with the provisions of this ordinance shall be subject to approval by District. Any repair or replacement that fails to be approved by the District shall be considered as a continuation of the violation of the requirements of this ordinance.

Section 12. USER FEE

Rock Creek Public Sewer District shall charge a user fee for the inspection of property inspected because of the sale, transfer of ownership, or foreclosure of real property and the same shall be due and payable upon completion of the said inspection as part of a lien certification covering sewer charges. The user fee shall be calculated on the basis of a base fee plus a variable fee as determined by the length of the lateral as measured from the outside wall of the building to where the lateral is connected to the sanitary sewer system. The following user fees are hereby established:

Base Fee	\$100.00
Video inspection of first 100' of lateral	\$25.00
Video inspection of each additional 100' of lateral	\$15.00

Dye testing	\$15.00
Mobile home private mainline	\$25.00 first 100'
Mobile home individual lateral	\$25.00 / each
Multi-family	\$25.00 / lateral
6" private pipe	\$25.00 first 100'
Hotel / Motel	\$25.00 / lateral

Section 13. SEVERABILITY

The provisions of this ordinance are severable, and if any section, sentence, clause, or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this ordinance shall not be affected or impaired thereby.

Section 14. REPEAL CONFLICTING PROVISIONS

Any part of an ordinance or resolution conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 15. EFFECTIVE DATE

This ordinance shall be in full force and effect on August 1, 2015, upon its passage and approval by the Board of Trustees of the Rock Creek Public Sewer District of Jefferson County, Missouri.

THIS ORDINANCE ORDAINED AND ENACTED AT THE REGUARLY SCHEDULED MEETING OF THE ROCK CREEK PUBLIC SEWER DISTRICT BOARD OF DIRECTORS THIS 23 DAY OF April, 2015.

ATTEST:

Chairman of the Board

Secretary

Dated: _____, 2015

April 15, 2015

ORDINANCE No. _____

BILL No. _____

ROCK CREEK PUBLIC SEWER DISTRICT

AN ORDINANCE ESTABLISHING A PROGRAM FOR THE REIMBURSEMENT OF A PORTION OF ELIGIBLE EXPENSES RELATED TO THE REPAIR OR REPLACEMENT OF A PRIVATE LATERAL THAT HAS BEEN BROUGHT INTO COMPLIANCE WITH THE PROVISIONS OF THE ROCK CREEK PUBLIC SEWER DISTRICT'S LATERAL SERVICE INSPECTION PROGRAM

WHEREAS, laterals comprise about fifty percent of the pipes related to a sanitary sewer system; and

WHEREAS, studies have shown that up to five to fifty percent of inflow and infiltration of groundwater and surface water into a sanitary sewer system comes from private laterals; and

WHEREAS, laterals are owned and maintained by the property owners; and

WHEREAS, Rock Creek Public Sewer District has adopted Ordinance 2015-4, known as the Lateral Service Inspection Program, for the inspection of privately owned laterals and sump pumps to eliminate infiltration and inflow of groundwater and surface water into the sanitary sewer system of Rock Creek Public Sewer District of Jefferson County, Missouri; and

WHEREAS, the District has performed over 750 private lateral inspections and has found a failure rate of 12.5%; and

WHEREAS, Rock Creek Public Sewer District has received complaints from customers regarding the cost to bring private laterals into compliance with District standards; and

WHEREAS, District staff has investigated the cost of insurance to cover the cost of a lateral repair and replacement program and found it may be more cost effective to self-fund a program rather than to purchase insurance; and

WHEREAS, Rock Creek Public Sewer District desires to establish a pilot program to share in the cost of lateral repair or replacement private laterals and help mitigate some of the financial impact experienced by residents due to the Lateral Service Inspection Program.

NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES OF THE ROCK CREEK PUBLIC SEWER DISTRICT OF JEFFERSON COUNTY, MISSOURI, DULY ASSEMBLED AS FOLLOWS:

Section 1. This ordinance shall be known and may be cited as the “Lateral Repair Assistance Program”

Section 2. Definitions

- a. Cap – The maximum amount that the District will pay toward reimbursement of eligible costs for the repair or replace of a private lateral.
- b. Cost share basis – The apportioning of eligible costs to repair or replace a lateral that is to be divided between the homeowner and the District on the basis of a flat amount or percentage basis as determined by the provisions of this ordinance.
- c. District – Rock Creek Public Sewer District of Jefferson County, Missouri
- d. Eligible costs- Those costs that directly related to and which are necessary and essential to bring the private lateral into compliance with the Lateral Service Inspection Program.
- e. Private lateral – The pipe connecting a building or land use to the sanitary sewers of Rock Creek Public Sewer District.
- f. Lowest and most responsive bid – The bid that is the lowest cost bid for the repair or replacement of the private lateral that brings said lateral into compliance with the requirements of the District.
- g. Private lateral inspection – The inspection that occurs when District personnel televise the private lateral pursuant to the provisions of the Lateral Service Inspection Program.
- h. Sanitary sewer system – The pipes, manholes, pump stations, and all appurtenances thereto that are used for the collection of wastewater from properties and the transportation of said wastewater for treatment at a treatment plant that is operated by Rock Creek Public Sewer District under license issued to the District by the Missouri Department of Natural Resources.

Section 3. **Inspections** – Pursuant the provisions of the Lateral Service Inspection Program, the District will conduct an inspection of a private lateral when the transfer of ownership for a property occurs; may conduct an inspection if District personnel have reason to believe a private lateral is in violation of the standards of the district; and may conduct inspections on an area wide basis. If the District determines a lateral has failed the inspection, the customer will receive notice via U.S. Mail and certified mail. The owner will also receive a copy of the televised lateral inspection.

Section 4. **Eligible Properties**- Except as otherwise herein stated, those properties that have been inspected by the District and have been issued a Notice of Violation and then issued a Certification of Sewer Lateral pursuant the provisions of the Lateral Service Inspection Program shall be eligible for this program. The Lateral Repair Assistance Program shall be limited to single-family residences and duplexes. Assistance shall not be provided under this program to commercial, industrial, or institutional buildings, properties, or land uses. Assistance shall not be provided under the terms of this program to apartments, condominiums, or mobile home parks.

Section 5. **Program Not to Exceed Budget-** The aggregate amount of reimbursements in any fiscal year shall not exceed the amount that has been budgeted for the Lateral Repair Assistance Program as adopted by the Board of Trustees of Rock Creek Public Sewer District. At the sole discretion of the District, applications for reimbursement under this program may be held over for consideration in the following fiscal year. Nothing in this ordinance shall be construed as requiring the Board of Trustees to provide funding for this program in the annual budget of the District.

Section 6. **Bids to Be Sought by Property Owner** – Any property owner who wishes to seek reimbursement under the Lateral Repair Assistance Program shall submit an application for participation in the program and shall obtain and submit at least three (3) bids by qualified contractors to have the lateral repaired. The application and bids shall be forward to District for evaluation. The District shall notify the homeowner of the lowest and most responsive bid. The property owner shall have the option of selecting a contractor different than the one determined by the District to be the lowest and most responsive bid but the amount to be reimbursed under the Lateral Repair Assistance Program shall be based solely upon the amount in the lowest and most responsive bid. Any costs above the lowest and most responsive bid shall not be reimbursed or shared by the District but shall be the sole responsibility of the property owner.

Section 7. **Reimbursement Cost Share and Cap** – Reimbursement under the Lateral Repair Assistance Program shall be limited to fifty percent (50%) of the eligible cost. The final invoice shall be submitted to the District before payment is made. The maximum amount the District may reimburse for any private lateral repair or replacement shall not exceed two thousand dollars (\$2,000.00) per property.

Section 8. **Laterals to Remain Private Property.** Participation in this program shall not be construed as transferring ownership or maintenance responsibilities of the private lateral from the property owner to Rock Creek Public Sewer District.

Section 9. **Pilot Program** – The District views this program as a pilot program and may be cancelled or modified at any time without notice other than compliance with the Missouri Sunshine Law.

Section 10. **Effective Date.** Ordinance shall be in full force and effect upon its adoption and approval.

READ TWO TIMES, PASSED AND APPROVED THIS ____ DAY OF _____, 2017.

Tim Hollerbach, Chairman of Board of Trustees
Rock Creek Public Sewer District

Attest: _____
Alfred Barbagallo, Secretary