CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: **DATE: May 15, 2017**

First reading of proposed Ordinance to amend Title 7, Chapter 8 of the Municipal Code to add regulations regarding pressured system grinder pump service to the Quail Park/Thornwood and Ashworth Road Low Pressure Sanitary Sewer Connection Fee Districts.

FINANCIAL IMPACT:

These proposed Ordinance amendments should have a relatively small, negative financial impact to the City related to costs associated with the diagnosis, repair, or replacement of grinder pumps and controls located within these two (2) sanitary sewer connection fee districts.

BACKGROUND:

This proposed Ordinance would require the City to be responsible for diagnosing, repairing, and replacing sanitary sewer system grinder pumps and controls installed and operated by private property owners within the Quail Park/Thornwood and Ashworth Road areas when the property owners report any problems associated with the grinder pumps and controls to the City. The property owners remain responsible for service lines, isolation valves, backflow prevention devices, and for electrical service to the grinder pump station.

The City's responsibility is limited to just the grinder pump and controls. The City is not responsible for any potential sewer backups or damage caused to anything other than the grinder pump and controls. If it has been determined that a property owner has placed "unsuitable debris" into the grinder pump sanitary sewer system, as that term has been defined in the ordinance, then the property owner may be assessed with all costs associated with the repair or replacement of the grinder pump. The City is also not responsible for any costs associated with grinder pump services that have been incurred because a property owner has elected to retain his or her own contractor to perform these services.

The Finance and Administration City Council subcommittee discussed this item at its February 3, 2017, meeting. The two (2) City Council members who attended this subcommittee meeting were split on whether to recommend approval or disapproval of this proposed ordinance.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

It is recommended that the City Council approve the first reading of this proposed Ordinance.

Lead Staff Member: Bret Hodne, Public Services Director

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	Jason B. Wittgraf, Assistant City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Finance & Administration		
Date Reviewed	May 3, 3017		
Recommendation	~~Yes~~	~~No~~	Split

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 7, "PUBLIC WAYS AND PROPERTY", CHAPTER 8, "SEWER REGULATIONS", ARTICLE C, "SANITARY SEWER SERVICE CHARGES", SECTION 14, "CONNECTION FEE DISTRICTS", SUBSECTION 3, "QUAIL PARK/THORNWOOD SANITARY SEWER CONNECTION FEE DISTRICT", PART G, "PRESSURE SYSTEM GRINDER PUMP SERVICE", AND SUBSECTION 6, "ASHWORTH ROAD LOW PRESSURE SANITARY SEWER CONNECTION FEE DISTRICT", PART G, "PRESSURE SYSTEM GRINDER PUMP SERVICE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 7, Chapter 8, Article C, Section 14, Subsection 3, is hereby amended by adding Part G, as set forth below.

7-8C-14-3: QUAIL PARK/THORNWOOD SANITARY SEWER CONNECTION FEE DISTRICT:

G. Pressured System Grinder Pump Service.

1. The City shall maintain, repair, and replace privately-owned sanitary sewer pressure system grinder pumps and controls installed within the Quail Park/Thornwood Sanitary Sewer Connection Fee District and located on private property ("premises"). "Maintain" includes examination and diagnosis if there is a reported problem regarding the grinder pump and controls. "Maintain" does not include regular inspection or service of the grinder pump and controls.

2. Property owners installing a sanitary sewer pressure system grinder pump shall use a contractor approved by the City to supply and install the system grinder pump.

3. Property owners who have installed a sanitary sewer pressure system grinder pump shall allow the City and its contractor right of entry and reasonable access onto the premises for purposes of maintaining, repairing, and replacing the grinder pump and controls. Said right of entry and access shall run with the land and be binding upon the property owners, as well as their successors and assigns, all upon the terms and conditions set forth herein.

4. The property owners are responsible for the operation of the grinder pump and controls. The property owners are also responsible for installing, repairing, and replacing service lines from the residence to the grinder pump station, the service lines from the grinder pump station to the City's low pressure sewer system in the public right-of-way, including isolation valves and backflow prevention devices, and for the electrical service from the residence to the grinder pump station.

5. The City is not responsible for any damage to the premises related to sewer backups, damaged service lines, including isolation valves and backflow prevention devices, or related to faulty electrical service. The City is solely responsible for the maintenance, repair, and replacement of the sanitary sewer pressure system grinder pump and controls. The City is also not responsible for the cost of any damage, repair, or replacement caused to the grinder pump attributable to the property owner's negligent, reckless, or intentional actions. "Attributable to the property owner" includes all residents and guests of the property owner. The City is further not responsible for any cost associated with grinder pump services provided by other entities or persons if the property owner has elected to retain his or her own contractor to perform these services.

6. If it has been determined that unsuitable debris has been placed into the grinder pump sanitary sewer system, the property owner shall be assessed all costs associated with such repair or replacement. "Unsuitable debris" shall include, but not be limited to:

    a. Grease, oil, gasoline, flammable material, paint, or strong chemicals.
    b. Metal, bones, or plastic.
    c. Abrasive materials, including, without limitation, sand, rocks, cat litter, glass, seafood shells, or goldfish stone.
    d. Feminine hygiene products, personal cleaning wipes, diapers, socks, rags, or cloth.
    e. Storm water.

7. Property owners shall not place any structures, landscaping materials, plant materials, or change the grade of the premises in any way, that would adversely affect access to the grinder pump sanitary sewer system. Property owners shall timely disclose any conditions on the premises that would restrict the City's or its contractor's ability to maintain, repair, or replace the grinder pumps and controls.

SECTION 2: Title 7, Chapter 8, Article C, Section 14, Subsection 6, is hereby amended by adding Part G, as set forth below.

7-8C-14-6: ASHWORTH ROAD LOW PRESSURE SANITARY SEWER CONNECTION FEE DISTRICT:

G. Pressured System Grinder Pump Service.

1. The City shall maintain, repair, and replace privately-owned sanitary sewer pressure system grinder pumps and controls installed within the Ashworth Road Low Pressure Sanitary Sewer Connection Fee District and located on private property ("premises"). "Maintain" includes examination and diagnosis if there is a reported problem regarding the grinder pump and controls. "Maintain" does not include regular inspection or service of the grinder pump and controls.

2. Property owners installing a sanitary sewer pressure system grinder pump shall use a contractor approved by the City to supply and install the system grinder pump.

3. Property owners who have installed a sanitary sewer pressure system grinder pump shall allow the City and its contractor right of entry and reasonable access onto the premises for purposes of maintaining, repairing, and replacing the grinder pump and controls. Said right of entry and access shall run with the land and be binding upon the property owners, as well as their successors and assigns, all upon the terms and conditions set forth herein.

4. The property owners are responsible for the operation of the grinder pump and controls. The property owners are also responsible for installing, repairing, and replacing service lines from the residence to the grinder pump station, the service lines from the grinder pump station to the City's low pressure sewer system in the public right-of-way, including isolation valves and backflow prevention devices, and for the electrical service from the residence to the grinder pump station.

5. The City is not responsible for any damage to the premises related to sewer backups, damaged service lines, including isolation valves and backflow prevention devices, or related to faulty electrical service. The City is solely responsible for the maintenance, repair, and replacement of

the sanitary sewer pressure system grinder pump and controls. The City is also not responsible for the cost of any damage, repair, or replacement caused to the grinder pump attributable to the property owner's negligent, reckless, or intentional actions. "Attributable to the property owner" includes all residents and guests of the property owner. The City is further not responsible for any cost associated with grinder pump services provided by other entities or persons if the property owner has elected to retain his or her own contractor to perform these services.

6. If it has been determined that unsuitable debris has been placed into the grinder pump sanitary sewer system, the property owner shall be assessed all costs associated with such repair or replacement. "Unsuitable debris" shall include, but not be limited to:

   f. Grease, oil, gasoline, flammable material, paint, or strong chemicals.
   g. Metal, bones, or plastic.
   h. Abrasive materials, including, without limitation, sand, rocks, cat litter, glass, seafood shells, or goldfish stone.
   i. Feminine hygiene products, personal cleaning wipes, diapers, socks, rags, or cloth.
   j. Storm water.

7. Property owners shall not place any structures, landscaping materials, plant materials, or change the grade of the premises in any way, that would adversely affect access to the grinder pump sanitary sewer system. Property owners shall timely disclose any conditions on the premises that would restrict the City's or its contractor's ability to maintain, repair, or replace the grinder pumps and controls.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 4. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, 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 provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

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Ryan T. Jacobson, City Clerk