

AN ORDINANCE AMENDING SECTION 700.190 OF THE SMITHVILLE, MISSOURI MUNICIPAL CODE REGARDING DISCHARGING STORMWATER AND CERTAIN PROVISIONS FOR THE REMOVAL OF SUMP PUMP CONNECTIONS TO THE SANITARY SEWER SYSTEM AND THE ESTABLISHMENT OF SURCHARGES FOR CONNECTIONS WITHIN THE CITY OF SMITHVILLE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI THAT:

SECTION 1, SECTION 700.190: DISCHARGING OF STORMWATER, ETC. is hereby repealed, in its' entirety and a new Section 700.190 is hereby enacted and to read as follows:

SECTION 700.190: DISCHARGING STORMWATER, GROUNDWATER AND OTHER WATER PROHIBITED

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Unlawful connections include, but are not limited to: sump pumps, foundation drains, yard drains, gutter downspouts and any other stormwater drainage receptacle(s).

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Board of Aldermen or its duly authorized representative. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Board of Aldermen or its duly authorized representative, to a storm sewer, combined sewer or natural outlet.

C. Creation of Sump Pump Inspection and Removal Program and establishment of fees.

1. Purpose. The purpose of this chapter is to eliminate sump pump connections to the sanitary sewer system and to establish monthly surcharge payments for sanitary sewer system customers connected to the City Sanitary Sewer System that fail to disconnect a sump pump within a specified period of time .
2. Removal of Sump Pump Connection Required. All direct or indirect connections of a 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 connected to the City of Smithville Sanitary Sewer System shall be disconnected from the sanitary sewer system within one (1) calendar year after the passage of this ordinance. 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 sump pump to flow to enter the sanitary sewer system.

3. All owners of properties connected to the Sanitary Sewer System shall schedule an inspection to determine compliance with this provision, and to rebut the presumption created in Section 6, below
4. Approved Removal Procedure. The approved removal procedure for a direct or indirect sump pump connection is as follows:
 - a. Prior Inspection. Prior to any work on the removal or disconnection of the sump pump connection the existing connection must be inspected by the City of Smithville. The sanitary sewer system customer shall be responsible to schedule the inspection.
 - b. Approved System. An approved system for the removal of sump pump connections must be used. The approved system shall consist of a sump pump and a sump pit with a discharge to an approved yard location.
 - c. Plugging of Existing Connection. Any sump pump or indirect connection between the sump pump and the sanitary sewer system of the building shall be permanently plugged.
 - d. Floor Drain Connection Prohibited. The new system shall be installed in such a manner that direct or indirect flow from the sump pump to a floor drain shall not be possible.
 - e. Post-Connection Inspection. The installation of the sump pump and associated facilities shall be inspected by the City. The sanitary sewer customer shall be responsible to schedule the post-connection inspection.
5. Non-Compliance Fee for Sump Pump Connection. Any sanitary sewer customer with a direct or indirect sump pump connection to the sanitary sewer system remaining in place one (1) year after the establishment of the Sump Pump Inspection and Removal Program shall be subject to a monthly payment of Ten Dollars (\$10.00) 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 program, any property that remains connected to the Sanitary Sewer System shall be subject to a monthly payment of Twenty Dollars (\$20.00).
6. Rebuttable Presumption. There is a presumption that all sanitary sewer customers within the established district have a sump pump connection to the sanitary sewer prohibited under this Chapter. Effective one (1) year after the passage of this ordinance all properties within the district that have not passed an inspection by the City or completed an Approved Removal Procedure or other equivalent removal procedure inspected and documented by the City of Smithville shall be presumed to have a sump pump connection.

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 ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor on the 8th day of January, 2013.

Brian Fullmer, Mayor

ATTEST:

Robert Niffen, City Clerk