

ARTICLE VI. - INFLOW AND INFILTRATION MITIGATION

Sec. 32-350. - Cedar Creek CC-16 and Cedar Creek CC-20 watershed sub-basin inflow and infiltration reduction program.

A.

Purpose. The City of Lee's Summit, Missouri ("City") owns and operates a sanitary sewer system. Connections to the sewer system within private residences or on private property can allow significant amounts of stormwater or groundwater to be received as Inflow and Infiltration (I&I) into the sanitary sewer system. Stormwater and groundwater Inflow and Infiltration into the sanitary sewer system decreases the capacity of the system to convey sanitary sewer waste and increases the treatment costs of sanitary sewage for the City. Stormwater and groundwater Inflow and Infiltration in the sanitary sewer system can cause sanitary sewer surcharges, which results in claims against the City and increases investigation, litigation and insurance costs. Any reduction in the amount of stormwater and groundwater into the public sanitary sewer system is a public benefit to all residents of the City of Lee's Summit because it increases the capacity of the sanitary sewer system, minimizes costs of future CIP projects, reduces treatment costs, and reduces claims and claim related costs. The Missouri Department of Natural Resources (MDNR) completed an inspection of the City's sanitary sewer system, including its records of sanitary sewer overflows, on December 21, 2007. A condition of the report was that the City was required to complete and submit an I&I Assessment and Reduction Plan within one hundred twenty (120) days of receipt of MDNR's report. The City of Lee's Summit I&I Assessment and Reduction Plan was submitted on July 16, 2008. The City desires to implement an Inflow and Infiltration Reduction Program ("Program") in order to help meet the objectives of the I&I Assessment and Reduction Plan as part of its general stormwater and groundwater Inflow and Infiltration mitigation efforts. This Program will also assist in compliance with the City's User Agreement with the Little Blue Valley Sewer District. This Program applies to all properties located within the Cedar Creek CC-16 and Cedar Creek CC-20 watershed sub-basins and participation is mandatory. Professional analysis and investigation reveals that the City's sanitary sewer system within these basins are overloaded due to I&I, with I&I resulting in the actual and threatened occurrence of sanitary sewer surcharges. The purpose of this Program is to inspect and identify sources and types of I&I on eligible properties, eliminate them, and evaluate the effectiveness of these efforts.

B.

Program coverage and reimbursement eligibility. This section applies to all properties located within the Cedar Creek CC-16 or Cedar Creek CC-20 watershed sub-basins. All owners or occupants of buildings located within these sub-basins that discharge into the City's sanitary sewer system must allow inspection, at reasonable times, of all connections to the sanitary sewer system. All owners must remove all connections found by the Director of Water Utilities, or his designee, to allow stormwater or groundwater into the City's system. The Program will serve to reimburse eligible owners for certain eligible expenses for required improvements intended to reduce sources of Inflow and Infiltration of stormwater and groundwater into the City's sewer system and minimize potential sewer surcharges in order to increase the efficiency of the public sanitary sewer system and reduce costs to the City. This section provides for reimbursement for certain approved work which relates to the removal of connections which deposit, or cause to be deposited, stormwater or groundwater into the system. To be eligible for reimbursement under this section:

1.

The property must be located within the Cedar Creek CC-16 or Cedar Creek CC-20 watershed sub-basins; and

2.

The applicant must be the owner of record of a building that discharges into the sanitary sewer system in the Cedar Creek CC-16 or Cedar Creek CC-20 watershed sub-basin; and

3.

The property owner must execute a written agreement which, at a minimum, shall provide that:

a.

The property owner agrees to maintain any equipment and improvements installed pursuant to this section;

b.

The property owner shall allow the Water Utilities Department entry onto the property at reasonable times to allow periodic inspections of any reimbursed work as well as any other connections to the sanitary sewer system;

c.

The property owner shall agree not to make any future stormwater, groundwater or unpermitted connections to the City's sanitary sewer system, and in the event that such connection are made the property owner must repay all reimbursement funds; and

d.

The property owner understands that he continues to be responsible for the maintenance of the owner's private lateral sewer line.

C.

Reimbursement procedures.

1.

An eligible property owner may initiate a request for reimbursement by contacting the Director of Water Utilities, or his designee, to determine the reasonable scope of necessary work for the property.

2.

The Director, or his designee, shall determine the eligibility of the applicant and the reasonable scope of eligible work for the property and shall present the property owner with a reimbursement agreement meeting the minimum criteria of this section and a list of approved work. No work shall be eligible for reimbursement that does not receive the prior written approval of the Director or his designee.

3.

The property owner must obtain three (3) bids for each item of proposed work and the City will reimburse no more than the amount submitted by the lowest bidder. The Director is authorized to reject any and all bids that are inconsistent with the determined scope of eligible work. The bids must be for reimbursement eligible work only. All contractors must obtain all necessary permits and must hold all necessary licenses.

4.

If the property owner chooses to disconnect by any means other than what is specifically allowed by this section, the Director will not reimburse the property owner.

5.

Upon completion of the work, and after inspection by the City's Codes Department and/or the Director or his designee, and determination that the work was completed in a satisfactory and workmanlike manner, the property owner shall deliver to the Director or his designee verifiable invoices for the reasonable cost of the approved work and an approved codes inspection report.

6.

The Director shall review the owner's submitted invoices and approved codes inspection report, and may require such additional verification as may be necessary to confirm the accuracy thereof.

7.

Upon the Director's determination of the accuracy of the invoices and approved codes inspection report, payment shall be made by check payable to the property owner within thirty (30) days.

D.

Reimbursement eligibility. If eligible for participation in the program, a property owner may be reimbursed for actual, reasonable costs of completing the scope of work approved by the Director of Water Utilities.

Source Description

Sump pump discharging into sanitary sewer

Sump pit draining into sanitary sewer

Area drains (driveway, stairwell, yard, window well)

External foundation drain connected into sanitary sewer just outside of foundation

Downspouts connected into sanitary sewer

E.

Authority to implement. The Director is authorized to administer this section and may take such actions as are necessary in order to comply with this section, including the execution of reimbursement agreements which are consistent with this section. In the event that the Director denies eligibility to any applicant property owner, the Director shall issue a written decision explaining the Director's decision and citing the appeal process set forth in this section.

F.

Appeal of reimbursement related decisions or determinations. Any property owner aggrieved by a decision or determination of the Director relating to reimbursement may appeal the Director's decision by filing a written notice of appeal to the Director of Finance within thirty (30) days following the date of the Director's decision or determination. The written notice of appeal shall include all information or documentation which the property owner believes supports his contentions, together with a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the appealed decision or determination should be reversed, modified, or otherwise set aside. If a property owner fails to appeal the Director's decision or determination within thirty (30) days as set forth in this subsection, the decision shall be final and no appeal shall be heard. The Director of Finance shall provide notice to the property owner of the date, time and place of hearing, which shall be no later than thirty (30) days from the date of the filed notice of appeal (unless continued by mutual consent), where such person will have full opportunity to present evidence and testimony in support of the person's appeal. The hearing shall be conducted by the Director of Finance as a contested case under the provisions of Chapter 536, RSMo, and the Director of Finance shall issue a final decision within ten (10) days of the hearing date. The decision shall include written findings of fact and conclusions of law. The decision of the Director of Finance shall be final for purposes of appeal pursuant to Chapter 536, RSMo.

G.

Appeal of other decisions or determinations. Any property owner aggrieved by any decision or determination of the Director that is not covered by Section 32-350(F) but is otherwise related to the implementation of this section may appeal such decision or determination to the Board of Appeals by filing a written notice of appeal to the City Clerk within thirty (30) days following the date of the Director's decision or determination. The written notice of appeal shall include all information and documentation which the property owner believes supports his contentions, together with a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the appealed decision or determination should be reversed, modified, or otherwise set aside. An appeal to the Board of Appeals requires payment of the fee established in the City's Schedule of Fees and Charges. If a property owner fails to appeal the Director's decision or determination within thirty (30) days as set forth in this subsection, the decision shall be final and no appeal shall be heard. The Director shall provide notice to the property owner of the date, time and place of hearing, which shall be no later than sixty (60) days from the date of the filed notice of appeal (unless continued by mutual consent), where such person will have full opportunity to present

evidence and testimony in support of the person's appeal. The hearing shall be conducted by the Board of Appeals as a contested case under the provisions of Chapter 536, RSMo, and the Board shall issue a final decision within ten (10) days of the hearing date. The decision shall include written findings of fact and conclusions of law. The decision of the Board of Appeals shall be final for purposes of appeal pursuant to Chapter 536, RSMo.

H.

Funding. Reimbursement under this program is funded in the maximum amount of five hundred eighty-four thousand dollars (\$584,000.00). Total reimbursements under the program are therefore limited to five hundred eighty-four thousand dollars (\$584,000.00) and no request for reimbursement shall be approved nor shall be eligible to receive reimbursement which would cause total reimbursements by the program to exceed that maximum. This program will end upon extinguishment of these funds.

(Ord. No. 6811, § 2(32-350), 7-23-2009)

Secs. 32-351—32-359. - Reserved.

Sec. 32-360. - Unauthorized discharges prohibited.

It shall be unlawful for any person to discharge or cause to be discharged, through physical connection or otherwise, any stormwater or groundwater into the City's sanitary sewer system without the written approval of the City.

(Ord. No. 6811, § 2(32-360), 7-23-2009)

Secs. 32-361—32-369. - Reserved.

Sec. 32-370. - Access and entry.

A.

Access. Representatives of the City shall have the right to make an inspection of such establishments, premises, places and localities for the purpose of determining compliance with this article. Inspections shall be done at a reasonable time.

B.

Notice. If the building, premises, or establishment to be inspected is occupied the representative shall first present proper credentials and request entry, by either phone or letter, and if such building or premises be unoccupied, the representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

C.

Search warrants. If, after proper request, entry or access is refused, the representative may compel such access by application to a Lee's Summit Municipal Judge. A Lee's Summit Municipal Judge shall have authority to issue search warrants for searches or inspections of such house, dwelling or unit to determine the existence of violations of Chapter 32 of this Code. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:

1.

The Director of Water Utilities may make application for the issuance of a search warrant.

2.

The application shall:

a.

Be in writing;

b.

State the time and date of the making of the application;

c.

Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

d.

State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of Chapter 32 of this Code;

e.

Be verified by the oath or affirmation of the applicant; and

f.

Be filed in the municipal division of the county circuit court.

3.

The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.

4.

The judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of Chapter 32 of this Code, a search warrant shall immediately be issued to search for such violations. The warrant shall be issued in the form of an original and two (2) copies.

5.

The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the municipal judge.

6.

Search warrants issued under this section shall:

a.

Be in writing and in the name of the issuing authority;

b.

Be directed to any policy officer or Codes Enforcement Official of the City;

c.

State the time and date the warrant is issued;

d.

Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

e.

Be limited to a search or inspection for violations of Chapter 32 of this Code;

f.

Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten (10) days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and

g.

Be signed by the Municipal Judge, with his title of office indicated.

7.

A search warrant issued under this section may be executed only by a police officer or Code Enforcement Official of the City. The warrant shall be executed by conducting the search commanded.

8.

A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

9.

After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched, when he is not the same person, if known.

10.

A search warrant shall be deemed invalid:

a.

If it was not issued by a judge of the Lee's Summit Municipal Court;

b.

If it was issued without a written application having been filed and verified;

c.

If it was issued without probable cause;

d.

If it was not issued with respect to property or places within the City;

e.

If it does not describe the property or places to be searched with sufficient certainty;

f.

If it is not signed by the judge who issued it; or

g.

If it was not executed within the time prescribed by Subsection 8 of this section.

(Ord. No. 6811, § 2(32-370), 7-23-2009)

Secs. 32-371—32-379. - Reserved.

Sec. 32-380. - Enforcement.

Failure to comply with the provisions of this section shall, among other things, serve as grounds for disconnection of water and sewer service in the manner set forth in Chapter 32 of the Code of Ordinances.

(Ord. No. 6811, § 2(32-380), 7-23-2009)