

ORDINANCE NO. 1562

ORDINANCE AMENDING THE INDIANOLA MUNICIPAL CODE BY ADDING CHAPTER 94, AUTHORIZING TIME OF SALE INSPECTIONS WITHIN THE CITY SANITARY SEWER SYSTEM

WHEREAS, the City of Indianola is required by the Iowa Department of Natural Resources (IDNR) to reduce peak sanitary sewer flows caused by inflow and infiltration or the flow of clear water into the local wastewater collection system; and

WHEREAS, new Municipal Code Chapter 94 will address the requirements of the IDNR by implementing a Time of Sale Inspection on all single family dwelling properties within the City of Indianola sanitary sewer system to ensure that the discharge of unpolluted waters into the sanitary sewer system is restricted; and

WHEREAS, the City Council of the City of Indianola, Iowa now deems it proper to amend the Indianola Municipal Code Chapter 94 to the Municipal Code of the City of Indianola, Iowa entitled Sanitary Sewer Services – Time of Sale Inspections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1: That the Municipal Code of the City of Indianola, Iowa, be and it is hereby amended by adding a new Chapter 94 Sanitary Sewer Services – Time of Sale Inspections as follows:

94.01 Purpose

The Time of Sale Inspection is intended to help reduce peak sanitary sewer flows caused by inflow and infiltration or the flow of clear water into the sanitary sewer system. Iowa Department of Natural Resources (IDNR), which provides oversight of wastewater collection and treatment for the entire state, requires the City of Indianola to reduce peak flows to the local wastewater collection system. The Time of Sale Inspection allows the City to ensure that private properties have no illegal connections to the sanitary sewer system pursuant to Municipal Code Chapter 97.

94.02 Required Inspection

No person or entity shall transfer title of a single family dwelling property to another, nor accept from any other person or entity, the transfer of title to any structure or parcel of land upon which a structure is located within the City of Indianola sanitary sewer system unless and until the authorized Water Pollution Control Superintendent, or representative of the Superintendent, shall have inspected the sump pump system, lateral service line, interior floor drains, footing drains, yard drains, roof drains and downspouts, catch basins

and parking lot drains on said structure or parcel of land and certified to the City of Indianola that same is found to be in compliance with the provisions of this law, specifically Section 97.01, restricting the discharge of unpolluted waters into the sanitary sewer system in the City of Indianola sanitary sewer district; and the Water Pollution Control Superintendent or his/her designee has issued a Certificate of Compliance stating compliance. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition; transfers pursuant to the federal bankruptcy act; transfers under Warren County Property Tax Foreclosures; and mortgage foreclosures or lateral lines that have been identified as multiple service. The fee required for inspection and any re-inspection shall be set by resolution of the City Council.

94.03 Property Owner Responsibility

The property owner must request a time of sale inspection by filing an application with the City of Indianola Water Pollution Control Department within at least fifteen (15) working days after listing said property. The fee required for this inspection, and any re-inspection, shall be set by resolution of the City Council. Upon successful inspection, the Office of Water Pollution Control will issue a Certificate of Compliance, which will expire after a period of two (2) years. The Certificate of Compliance shall be attached to the Groundwater Hazard Statement and presented to the Recorder along with all other required transfer documents.

If the inspection fails, the Water Pollution Control Superintendent will provide notice to the property owner(s) describing the prohibited discharges and recommendations to cure such discharges. When required, all permits necessary to cure violations must be obtained from the Community Development Department. The fee required for such permits shall be set by resolution by the City Council.

94.04 Suspension of Certificate of Compliance

The Water Pollution Control Superintendent, subject to the following, may temporarily suspend the requirement of a Certificate of Compliance as a prerequisite to transfer of title, as specified in the preceding section, provided that it is no later than ten (10) working days prior to the expected closing for said transfer:

1. The seller makes a written request to the Water Pollution Control Superintendent and such request includes a written, itemized quote from a plumber licensed with the State of Iowa that provides for correction of all identified discharges and addresses all recommendations specified in the Notice of Violation; and
2. The seller and purchaser shall have filed with the Water Pollution Control Superintendent a written guaranty to correct any identified deficiencies on said structure or parcel of land within 90 days after closing of sale or a period of time specified by the Water Pollution Control Superintendent; and
3. The purchaser or seller shall have provided a sum equal to 150% of the estimated costs contained in the itemized quote provided in item (1) above. Such sum shall be payable by certified check or bank draft at closing and held in escrow. Such sum will

be returned to the seller or purchaser if the corrections are completed within the time specified in the guaranty, but said sum shall be forfeited to the City of Indianola if needed corrections are not completed within the time frame specified in the written guaranty.

In the event that the needed corrections are not completed within the time specified in the written guaranty, the temporary waiver issued by the Water Pollution Control Superintendent shall immediately expire and the purchaser shall be subject to the penalties described in Section 99.05 (C).

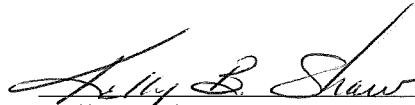
94.05 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of this chapter:

1. Notice of Violation. Any person found to be violating any provision of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. Further, a violation of the provisions of this chapter shall be a violation considered a municipal infraction punishable in accordance with Chapter 4 of the Municipal Code.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall be in full force and effect on March 1, 2017.

PASSED AND APPROVED this 3rd day of January, 2017.



Kelly B. Shaw, Mayor


ATTEST:



Diana Bowlin, City Clerk

First reading: December 5, 2016
Second reading: December 19, 2016
Third reading: January 3, 2017
Publication Date: January 11, 2016

The foregoing Ordinance No. 1562 was adopted by the Council of the City of Indianola, Iowa, on January 3, 2017, was signed by the Mayor on January 4, 2017, and was published in the Record Herald and Indianola Tribune, a newspaper of general circulation and published in the City of Indianola, Iowa, on January 11, 2017.



Diana Bowlin, City Clerk