

★ Roll Call Number

Agenda Item Number

47C

Date October 27, 2008

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Assistant City Attorney

(Council Communication No. 08-662)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304, as follows:

DIVISION 8. PRIVATE PROPERTY PROTECTION PROGRAM

- Sec. 118-300. Established.
- Sec. 118-301. Method of making subsidy reimbursement.
- Sec. 118-302. Qualifying improvements.
- Sec. 118-303. Administration.
- Sec. 118-304. Limitations.
- Secs. 305-315. Reserved.

DIVISION 8. PRIVATE PROPERTY PROTECTION PROGRAM

Sec. 118-300. Established.

- (a) The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents that a subsidy program be established to reimburse property owners for qualifying plumbing work which removes sources of infiltration and inflow from the private sewer system and which protects properties adversely affected by excessive flows in the sanitary sewer collection system. The city has allocated from the sanitary sewer user fee revenues a sum sufficient to provide a subsidy, as described in section 118-301, to property owners who elect to make qualifying improvements to their property as described in section 118-302. The amount of the private property protection program subsidy shall be equal to the cost of the qualifying improvements performed by a licensed plumber and shall not exceed \$1,000 per property.
- (b) For purposes of this article, the term "property owner" or "owner" shall mean the owner of record of a property or the

party in possession thereof under lease or contract who paid the eligible costs for the qualifying improvements applicable to the property, and who is responsible for payment of municipal utility charges against the property, including water service charges, sanitary sewer service charges, solid waste collection service charges, and stormwater management charges.

- (c) For purposes of this division, the term "property" shall mean those properties within the corporate boundaries of the city of Des Moines for which there is an account with the Des Moines Water Works that is currently being billed for sanitary sewer service fees.
- (d) For purposes of this division, the term "licensed plumber" shall mean those persons who are certified or licensed plumbers in conformance with chapter 26 of this Code.

Sec. 118-301. Method of making subsidy reimbursement.

- (a) The Public Works Director shall make a private property protection program subsidy reimbursement provided in this division to property owners who meet the requirements of this division.
- (b) The city shall have the right to suspend or terminate this private property protection program if the city council determines that continuation of such program is likely to have an adverse effect on sewer service collections so that the applicable bond rate covenants will not be met.

Sec. 118-302. Qualifying improvements.

- (a) The private property protection program will provide a maximum of a \$1,000 subsidy as a reimbursement for the cost of any materials and labor for the qualifying improvements to existing structures on private property.
- (b) The work must have been performed and completed between the dates of June 1, 2008 and June 30, 2011.
- (c) The property improvements deemed qualifying for subsidy from the private property protection program are limited to the installation of backwater valves, the disconnection of roof leaders from the sanitary sewer service, the installation or redirection of a sump pump to discharge flows from foundation drains and area drains to a non-sanitary sewer outlet such as a rain garden, storm sewer, or the ground surface.
- (d) The work must be performed by a licensed plumber.
- (e) The documentation of the cost of the qualifying improvements shall include a copy of an itemized invoice from a licensed plumber or plumbing firm that identifies the work performed and a copy of the full payment.
- (f) A completed private property protection program subsidy application form and supporting documentation must be

submitted to the department of public works by no later than August 30, 2011. The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.

Sec. 118-303. Administration.

The city manager shall make all procedural and administrative determinations necessary to implement this division not in conflict with the provisions and intent of this division.

Sec. 118-304. Limitations.

- (a) In no case shall the city's private property protection program subsidy reimbursement pursuant to this division exceed the amount of the eligible costs paid or to be paid by the property owner for the qualifying improvements.
- (b) Any person making a false statement, claim or affidavit for the purpose of obtaining the subsidy reimbursement provided for in this division for any two or more persons who conspire and confederate together to make such false statement, claim or affidavit or to assist another to do so shall be recommended to the county attorney for criminal prosecution.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney