

★ **Roll Call Number**

**Agenda Item Number**

47

**Date** March 6, 2017

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, as heretofore amended, by amending Section 118-300 and 118-302 relating to Private Property Protection Program",

which was considered and voted upon under Roll Call No. 17- 0306 of February 20, 2017; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> February 20, 2017
	<b>Agenda Item No.</b> 44 <b>Roll Call No.</b> 17-0306 <b>Communication No.</b> 17-075 <b>Submitted by:</b> Jonathan A. Gano, P.E., Public Works Director

**AGENDA HEADING:**

Approving amendments to Chapter 118 of the Municipal Code regarding establishment of a Private Property Protection Program and subsidy for qualifying plumbing work.

**SYNOPSIS:**

Recommend Council approval of amendments to Chapter 118 of the Municipal Code regarding the Private Property Protection Program and establishing a subsidy for customers of the wastewater collection system of the City of Des Moines.

**FISCAL IMPACT:**

Amount: \$200,000

Funding Source: 2016-17 Operating Budget, Public Works, Sanitary Sewer Operations Fund, PW248420, Page 217

**ADDITIONAL INFORMATION:**

Elevated flow conditions during periods of wet weather can cause basement backups in some lower lying areas and can be attributed to, at least in part, excessive infiltration and inflow into portions of the wastewater collection system. A significant amount of this excess flow enters the sewer system through portions of the private plumbing system within homes and businesses. The major sources of the excess flow include roof and area drains that catch rainwater and direct the flow to the private sewer service, and footing or foundation drains that intercept ground water from around the outside of the buildings and directs the flow to the private service lines.

Many of these connections were allowed at the time of the original building construction and are "grandfathered" under the current plumbing codes. The goals of this program are to provide an incentive for the property owners to remove the sources of infiltration and inflow from the private sewer system and to assist in the cost of protecting the properties that are adversely affected by the excessive flows in the sanitary sewer collection system.

The Private Property Protection Program will provide a subsidy to property owners that have: 1) a current Des Moines Water Works account for the property for which a subsidy is requested and 2) that contract with a licensed plumber to redirect one (1) or more of the eligible sources of infiltration and inflow to an outlet other than the sanitary sewer system or to install a backwater valve on their private sewer service to protect against surcharges on the public sewer system. With this program, the City

will make a Private Property Protection Program subsidy reimbursement to the property owners who meet the requirements of the program as listed in the key elements below. The reimbursement will be by direct payment of the qualifying subsidy to the property owner. The key elements of the Private Property Protection Program include:

- (a) The Private Property Protection Program will provide a maximum of a \$1,000 subsidy for 50% of the cost of any materials and labor for the improvements listed in Section (c) below to existing structures on private property.
- (b) The work must be pre-approved and be performed before June 30, 2023.
- (c) The property improvements deemed qualifying for subsidy from the Personal Property Protection Program are limited to the installation of backwater valve, 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 cost of the qualifying improvements shall include a copy of an itemized invoice from a licensed plumber or plumbing firm that details the work performed and a copy of the full payment.
- (f) The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: April 11, 2011

Roll Call Number: 11-0613

Action: Amending Chapter 118 of the Municipal Code regarding extending completion and submittal dates of qualifying improvements for the Private Property Protection Program. Moved by Moore that this ordinance be considered and given second vote for passage. Motion Carried 6-1.

#### **BOARD/COMMISSION ACTION(S): NONE**

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Renewal of program in 2023 if determined to be effective.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

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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, as heretofore amended, by amending Section 118-300 and 118-302 relating to Private Property Protection Program.

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, as heretofore amended, is hereby amended by amending Section 118-300 and Section 118-302 relating to Private Property Protection Program, as follows:

**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 50% of 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. 118-302. Qualifying improvements.**

- (a) The private property protection program will provide a maximum of a \$1,000 subsidy as a reimbursement for 50% of the cost actually paid by the property owner for ~~of~~ any materials and labor for the qualifying improvements to existing structures on private property.

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- (b) The work must have been performed and completed between the dates of ~~June 1, 2008~~ January 1, 2017 and June 30, ~~2014~~ 2023.
- (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) A completed private property protection program subsidy application form must be submitted by June 1, 2023 and prior to commencement of the work for which the applicant desires to receive reimbursement in order to determine if the proposed work qualifies for a subsidy and if there are sufficient funds in the program. The application must be approved before work is begun in order to be eligible for reimbursement. The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.~~The work must be performed by a licensed plumber.~~
- (e) Upon completion of the work and no later than August 31, 2023, the applicant must submit to the Department of Public Works ~~The~~ documentation of the cost of the qualifying improvements ~~shall~~ which must 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) The work must be performed by a licensed plumber.~~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, 2014. The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.~~
- ~~(g) A property for which the maximum subsidy amount has been reimbursed by the City is not eligible for additional subsidies under this program, regardless of a change in ownership or use, until at least 10 years have passed since the last date of issuance of the prior subsidy.~~
- ~~(h) The amount of funding for this program will be capped at an annual basis at an amount recommended by the director in the Public Works Department operating budget and as approved by the city council. To the extent that program funds are available, subsidies shall be provide to qualified applicants in the order in which completed applications are received.~~

Section 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