

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE CHAPTER 10, WASTEWATER TREATMENT SYSTEM BY AMENDING SECTIONS 10.01.040, REGULATIONS; 10.01.120, SERVICE LATERAL CONSTRUCTION; AND 10.01.130, SEWER LATERAL MAINTENANCE, AND ADDING NEW SECTIONS 10.01.132, SERVICE LATERAL REPLACEMENT AND 10.01.134, BASEMENT FLOODING PROTECTION LOANS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany owns and operates a wastewater utility; and

WHEREAS, the City Council establishes policies for operation and maintenance of the wastewater system; and

WHEREAS, the City Council desires to protect the public health and welfare by assisting property owners minimize their risk of basement flooding due to sanitary sewer surcharges; and

WHEREAS, the City Council desires to establish a basement flooding protection loan program; and

WHEREAS, the City Council finds it to be in the public interest to control inflow and infiltration to the public sewer system to protect public investments in wastewater facilities; and

WHEREAS, the City Council desires to assume replacement responsibility for sanitary sewer service laterals in public rights-of-way; and

WHEREAS, the City Council desires to assume limited one-time only, replacement responsibility for private service laterals on private property; and

WHEREAS, the City Council desires to update miscellaneous provisions of the Albany Municipal Code concerning the wastewater utility.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Chapter 10 of the Albany Municipal Code is amended to read as follows:

10.01.040 Regulations.

(1) Discharge Prohibitions. No user shall contribute or cause to be discharged, directly or indirectly, any pollutant or wastewater which will cause interference or pass through. These general prohibitions apply to all users of the **publicly-owned treatment works (POTW)** whether or not the use is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. Furthermore, no user may contribute the following substances to the wastewater treatment system:

(j) Any unpolluted water including, but not limited to, **storm water, surface water, groundwater, roof runoff, parking lot and subsurface drainage, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director.**

10.01.120 Service lateral construction.

(5) **Size, and Slope, Location, and Length.** The size, and slope, and location of the service laterals within public right-of-ways and easements shall be subject to the approval of the Public Works Director, but in no event shall the diameter be less than and shall have a diameter of not less than four inches and the a slope of not less than one-eighth inch per foot. Where private service laterals will exceed 100 feet in length, as measured from the public main to the structure, the Public Works Director may require extension of public sanitary sewers into the interior of the property.

10.01.130 ~~Maintenance responsibility~~ Sewer Lateral Maintenance.

(1) Each ~~user~~ **property owner** shall be responsible for the maintenance of ~~his~~ **the** service lateral(s) from the structure or facility served to the connection with the City public sewer. ~~This shall include service laterals located in public rights-of-way.~~ Maintenance ~~may~~ **shall** include, but is not limited to, removal of any blockages, **debris, grease, tree roots, and other material as required to ensure a free flow of wastewater through the lateral;** disconnection of abandoned services from the public sewer; and prevention of unpolluted water from entering the service lateral. (Ord. 5016, 1992). **Unpolluted water includes, but is not limited to, storm water, surface water, groundwater, roof runoff, parking lot and subsurface drainage, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director. Blockages found within the public right-of-way or easement that are the result of structural failure of the pipe shall be the responsibility of the City as detailed in Section 10.01.132.**

10.01.132 Service Lateral Replacement.

(1) **Lateral Replacement within Public Rights-of-Way.** The City shall repair or replace structural failures of sanitary sewer service laterals in public rights-of-way when, in the judgment of the Public Works Director, repair or replacement of the service lateral is warranted.

(2) Lateral Replacement on Private Property.

(a) **Public Improvement Projects.** When, in the judgment of the Public Works Director, replacement of a service lateral is required concurrent with a public improvement project, the City may fund replacement of sanitary sewer service laterals on private property from the property line to the structure. The Public Works Director shall consider such factors as the cause of the failure, the age of the lateral, pipe material, length and condition, ease of repair, conflict with existing structures and improvements, budget authority, and competing priorities in determining the scope and extent of City-funded, private service lateral replacements on private property. City-funded replacements of sanitary sewer laterals on private property shall meet City construction standards and shall be contingent on full and complete consent of the property owner.

(b) **Other Replacements.** Structural failure of private service laterals on private property may be eligible for one-time-only, City-funded replacement. When, in the judgment of the Public Works Director, replacement of a service lateral is required for properties directly fronting a public sanitary sewer, the City may reimburse the property owner for replacement of sanitary sewer service laterals on private property from the property line to the structure. Properties that do not directly front a public sanitary sewer may only be eligible for City participation in replacement of a portion of the service lateral.

(c) **The Public Works Director shall consider criteria given in Section 10.01.132(2)(a) in determining the scope and extent of the reimbursement for private service lateral replacements. City reimbursement for private service lateral replacements shall be contingent upon prior application and approval by the Public Works Director. Any costs incurred or work completed prior to filing an application and receiving approval for reimbursement shall be ineligible for reimbursements. The property owner or authorized representative shall be responsible for all permit fees, soliciting bids, construction contract administration, and meeting all administrative and construction requirements established by the Public Works Director.**

10.01.133 Assistance in Removal of Unpolluted Waters.

It is the policy of the City to work with property owners in a cooperative manner to remove extraneous flows listed in 10.01.040(j) from the sanitary sewer collection system.

(1) Separation of roof, footing and other unpolluted water. The City shall assist property owners disconnecting roof, footing, area and other unpolluted water sources from the sanitary sewer through funding and installation of curb cuts, and drain lines from the face of curb to the property line. The property owner shall be responsible for connection to the drain line at the property line, permit fees and all improvements on private property.

10.01.134 Basement Flooding Protection Loans.

The City hereby adopts the following loan program to assist property owners protect their basements from occasional damages due to surcharges within the sanitary sewer system.

(1) Loan Program. A ten-year loan may be available to property owners at an interest rate established by City Council resolution. The purpose of the loan is to assist property owners in financing improvements that will protect basements from damage that may occur as a direct result of surcharging of the public sanitary sewer system. The loan program shall not be available to properties subject to basement flooding for causes unrelated to surcharging of the public sanitary sewer system, including, but not limited to, groundwater seepage and localized storm- and surface-water flooding.

(2) Application. The owner of the property or authorized agent shall make application for a basement flooding protection loan to the Public Works Department. The application shall be supplemented by any drawings, specifications, or other information as requested by the City.

(3) Loan Requirements. Applicants must have fee title ownership of the property, or equitable interest in the property under an instrument of trust or installment purchase contract. To qualify for the loan, improvements on the property must have been constructed prior to January 1, 1999, property taxes must be current at the time of loan closing, and the property owner shall provide evidence of sufficient hazard insurance to cover all City loans and superior liens.

(4) Loan Security. The obligation to repay the loan shall be secured by a lien being placed against the property to be improved. Owners purchasing under contract and title holder(s) shall jointly execute lien agreements.

(5) Loan Repayment. The loan shall be repaid over ten years, monthly or semiannually, from the date of entry of the lien into the lien docket. The interest rate for the loan shall be established by City Council resolution. A basement flooding protection loan shall be repaid in full if the property is sold or refinanced before the loan is repaid and may be repaid in part or in full at any time without penalties. The lien shall not be subject to subordination.

(6) Collection of Delinquent Loan Payments. The method and schedule for collection of delinquent loan payments shall be established by City Council resolution.

(7) Eligible Costs. Eligible loan expenses shall be determined by the City on a case-by-case basis and shall be limited to only the work necessary to protect a basement from flooding that is directly related to surcharging of the public sanitary sewer system. Expenses incident to the installation of basement flooding protection, including title reporting fees, lien filing fees, permit fees, and improvement expenses to install a backwater valve, ejector pump, sump pump, yard leaders for rain gutters, rerouting of basement plumbing, and related expenses may be eligible for a basement flooding protection loan. Loans shall be available only after completion of all work, final approval of eligible loan costs, and placement of a lien securing the loan.

(8) Maximum Loan Amount. The maximum loan amount shall be established by City Council resolution.

(9) Indemnification. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

(10) Service Lateral Replacement. When, in the judgment of the Public Works Director, replacement of a service lateral is required concurrent with basement flooding protection, the City may reimburse the property owner for eligible expenses in accordance with Section 10.01.132(2)(b). The Public Works Director shall consider criteria given in Section 10.01.132(2)(a) in determining the scope and extent of reimbursable expenses for private service lateral replacements. City-funded replacements of sanitary sewer laterals on private property shall meet City construction standards and shall be contingent on full and complete consent of the property owner.

10.01.138 Appeal Process.

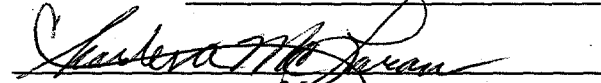
Appeals to policy issues concerning sewer lateral maintenance, including the basement flooding loan protection program and service lateral replacements shall be made to the City Council. The City Council defers final decision authority for technical issues relating to sewer lateral maintenance to the Public Works Director.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by Council: August 25, 1999


Approved by the Mayor: August 25, 1999

Effective Date: August 25, 1999



Mayor

ATTEST:



City Clerk