

## **AGENDA ITEM**

May 17, 2022

Subject: Enforcement of unresolved sewerage spills after notification

Department: Administration

This Ordinance will allow enforcement of unresolved sewerage spills after notification.

### **Manager Notes:**

- Currently we have no recourse for enforcement of sewerage spills that go unrepaired after the violation notification.
- This procedure will allow the disconnection of the water service as an enforcement tool along with the ability to order the repairs made and billed to the property owner. This repair cost can be spread over 12 months.

**BILL NO. 2022-042**

**ORDINANCE NO.**

**A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AUTHORIZING INTERRUPTION OF WATER SERVICE AND OR PROSECUTION OF CUSTOMERS FAILING TO REPAIR PRIVATELY OWNED DEFECTIVE SEWER DISCHARGE LINES WHICH TRANSPORT WASTEWATER (SEWAGE) TO THE PUBLIC COLLECTOR MAINS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT THE FOLLOWING AMENDMENT OF CHAPTER 25 OF THE CODE OF THE CITY OF NEVADA IS HEREBY PASSED, APPROVED AND ADOPTED:**

Section 25A-10-1 – Interruption of Water Service - Failure to maintain private sewer lines leading to public collector mains – Avoidance of wastewater spillage and pollution or threat to public health – Remedy in the event of nonpayment of a sewerage service bill and in the event of improper or unauthorized connections to the public collector mains.

**Section 1. Numerous Private lines are permitted to extend to and connect to public collector mains.** It is recognized that private ‘house lines’ and private jointly owned house lines not accepted for maintenance by the community, lead through and off private properties to connect to the city’s public collector sewer lines. The city maintains only the sewer lines it has constructed or accepted. Acceptance is based on quality of materials, quality and depth of construction, and other factors. Lines of 4” or less are normally not accepted. Private lines may be individually or jointly owned and may be located on the customer’s property or neighboring properties however some exceptions have been approved by the city council. Private lines may be installed in an alley, a street, or on public ways to reach to and intercept the public mains. Private lines are privately owned, and subject to private maintenance. All such lines must be repaired and maintained by the owner or owners in a manner to avoid leakage and spillage of sewage from the private line before it intersects with and spills into the public collector mains.

**Section 2. Option for Interruption of water service.** Water service furnished to customers in the City may be interrupted if:

- a. Spillage of wastewater (sewage) caused by a defective line is found at a location before the private line spills into the city’s collector main.
- b. It is discovered that a private sewer discharge line has been connected to the public system improperly or without consent of the city.
- c. A sewer customer fails to pay the bill for separately billed sewer service.

**Section 3. Option to Repair and bill customers utilizing the defective line.**

When authorized by the City Manager, the code enforcement officer may engage a licensed plumber to make the needed repairs or corrections and the costs will be billed in equal payments over 12 months to the customer or customers utilizing the defective line, in the interest of efficiency, conservation of expense and public safety. Wastewater spills must be reported to the MO DNR within 24 hours of discovery and DNR officials may wish to 'assume' that a line servicing more than one customer is subject to city maintenance. The expenses and inconveniences of administrative hassles may be minimized or avoided by such repair and billing.

**Section 4. Interruption of service to any or all owners.** Where the privately owned line is jointly owned by several connected customers, service may be interrupted to all customers upstream of the spill – but it shall not be a defense that all customers were not identified or sanctioned.

**Section 5. Presumption, Proof, Notice, and Informal Hearing.** It will be presumed that a line over 4” in diameter is a public line. It will be the obligation of the customer(s) to establish that a line 4” in diameter or less was dedicated and transferred to the city and accepted by the city for maintenance. Prior to interruption of water service should that avenue be selected, the City will provide notice to known customer(s) and provide an informal hearing before an officer assigned by the city manager, on the following issues, if relevant:

- a. whether defective maintenance has occurred as to a private line servicing this customer;
- b. whether the private line is improperly connected to, or was connected without permission, to the public collector line or manhole;
- c. whether an unpaid charge for sewer service has been paid or was improperly billed.

**Section 6. Enforcement – separate offenses.** The code violations identified in Section 2 above, are subject to punishment under the General Penalty Provision of the Ordinances of the City of Nevada Missouri. Each day an offense continues, shall constitute a separate offense. Municipal authorities are encouraged to impose interruption of service when pollution or threat to public health is a risk but may impose such a sanction in other cases authorized by this section.

**Section 7. Judicious Use of Authority to gain compliance.** This ordinance is adopted for the health, security, and protection of the public based on the police power of municipal governments and is to be exercised judiciously but zealously for the protection of the public. Administrative officials are encouraged to utilize the considerable authority afforded by this ordinance in a manner to encourage maintenance of said private sewer lines for the protection of public health and avoidance of contamination of the community.

**Section 8. Effective Date.** This ordinance will be in full force and effect upon its passage and approval.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Nevada, Missouri, this \_\_\_\_\_ day of June, 2022.

**CITY OF NEVADA, MISSOURI**

**(SEAL)  
ATTEST**

\_\_\_\_\_  
George Knox, Mayor

\_\_\_\_\_  
Stephanie M. Martin, City Clerk

**CERTIFICATION**

I, the undersigned Clerk of the City of Nevada, Missouri, hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance adopted by the City Council of the City of Nevada, Missouri, as the same appears of record in my office and that the same has not been amended or repealed as of the \_\_\_\_\_ day of June, 2022.

**(SEAL)**

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Stephanie M. Martin, City Clerk