ORDINANCE #24-12

AMENDING CHAPTERS 26, 66 AND 70 OF THE DE PERE MUNICIPAL CODE

the Common Council of the City of De Pere, Wisconsin doES ordain as follows:

Section 1. **Chapter 26 Water and Sewer Service** is hereby amended as follows:

1. **Sec. 26-5. Storm drainage.** is hereby amended by:
   1. adding “foundation drain, sump pump,” following the words “clear water by means of” in subsection (b).
   2. deleting “street superintendent” and replacing it with “Director of Public Works” in subsection (c)(2).
   3. Adding “into the sanitary sewer, on adjacent property,” following the words “shall not be directed so as to flow” in the last paragraph of subsection (f).
2. **Sec. 26-7. Sump pump installation.** is hereby amended by:
   1. deleting “residential, commercial and industrial buildings constructed after July 17, 1973.” and replacing it with “buildings.”
   2. the following shall be inserted as subsection (c):

(c) *Exemptions; inspection.* A sump pump shall not be required for buildings lacking pre-existing foundation drains deemed exempt from subsection (a) of this section. The plumbing inspector or other officer shall review and approve such buildings to determine if foundation drains are absent and an exemption is warranted. Correction may be warranted under sections 70-5 and 26-5 should it be found that any clear water is entering the sanitary sewer from a property previously deemed exempt by the plumbing inspection or their designee.

Section 2. **Chapter 66 Plumbing Code**is hereby amended as follows:

1. **Sec. 66-5. Inspections.** is hereby amended by inserting the following as subsection (6):

(6) *Prohibited connections inspections.* An inspection to determine the compliance with prohibited connections as outlined in section 26-5(b) shall be conducted in the following instances:

1. Whenever an interior inspection is made in connection with building, plumbing, or electrical permit or a water meter repair or replacement.
2. Whenever the Director of Public Works or Development Services Director has evidence of a prohibited connection to the sanitary sewer.
3. Whenever the Director of Public or Development Services Director determines that abnormally high wastewater flows have been detected in publicly owned sanitary sewer main servicing the property, and the Director of Public Works or Development Services Director have reasonable grounds to believe that the flow may have been caused by a leaking sanitary sewer lateral or a prohibited connection in the property.
4. Upon receipt of a complaint to the Director of Public Works or Development Services Director of an alleged violation of this article.
5. When requested by the property owner.
6. In the event an inspection of any building is to be made pursuant to the provisions of this article, and permission is not voluntarily given to the Director of Public Works or Development Services Director or authorized representatives to make such inspection, the Director of Public Works or Development Services Director may apply for and obtain a special inspection warrant to make such inspection, as provided by Wis. Stat. § 66.0119.
7. Section 66-5.5 Noncompliance, is hereby created as follows:

**Sec. 66-5-5. Noncompliance.**

1. If an inspection discloses noncompliance with this article, a noncompliance notice shall be issued by the Development Services Director setting for the areas of noncompliance and stating that the building shall be brought into compliance.
2. Connections from prohibited foundation drains, sump pumps, downspouts, and yard drains shall be brought into compliance within 60 days of said notice.
   1. Foundation drain disconnections shall result in the installation of a sump pump pursuant to Section 26-7 of this Code.
3. Failing or leaking sanitary laterals shall be replaced within 60 days of said notice.
4. Failure to bring the property into compliance within the appropriate time period shall be a violation of this article.

Section 3. Chapter 70, SEWER SYSTEM, is hereby amended as follows:

1. by revising **Sec. 70-2. Definitions.**  as follows:
   1. by adding the following definition in alphabetical order following *Collector sewer: “Floor drain* means a drain which is installed in the floor of a structure designed to remove any standing water near it.”
   2. by adding the following definition in alphabetical order following *Force main: “Foundation drain* means a system of pipes that are installed under or around the foundation or under the basement floor to collect water and move it off-site to prevent the basement from filling with ground water.”
2. **Sec. 70-4. User rules and regulations.** is hereby amended as follows:
   1. by inserting the following as subsection (c)(5):
3. Except as provided in this section, it is unlawful to discharge any stormwater, surface water, groundwater, roof runoff or surface drainage or any other connections from inflow sources to the sanitary sewer. Sewer customers connected to the city sewer system, both inside and outside the city limits shall pay a monthly inflow and infiltration clear water surcharge as determined by the Director of Public Works unless those customers have been adjudged exempt from such fee by certification that there are no existing or planned direct or indirect sump pumps, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater on the sewer customer’s property to a lateral or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exemption status can be obtained by a free inspection by City staff. Upon certification of exemption, the assessment of the fee shall end after the first full monthly billing cycle after certification.
   1. by deleting the words “building drain and” and replacing them with “floor drain and” in subsection (f).
   2. by adding the following clause at the end of the sentence in subsection (h): Removal of the structure shall include removal of the lateral to the property line and capping of the lateral at the property line “if the lateral is to be used again.”; and adding the following as the last sentence of said subsection (h): “If the lateral will not be used again, it shall be capped or plugged at the sanitary sewer main.”
   3. by deleting the word “exterior” in the first line of subsection (j)(2).

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall take effect upon its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of June, 2024.

APPROVED:

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James G. Boyd, Mayor

ATTEST:

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Carey E. Danen, City Clerk

Ayes: \_\_8\_\_\_\_

Nays: \_\_0\_\_\_\_

Board/Committee Approval: 06/10/2024

Publication Date: 06/21/2024

Effective Date: 06/22/2024