

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0444R

RESOLUTION OF INTENT TO ESTABLISH AN APPEALS PROCESS AS
PART OF THE CITY'S INFLOW AND INFILTRATION (I&I)
PROGRAM.

BY COUNCILOR STAUBER:

WHEREAS, the city's inflow and infiltration (I&I) program currently does not provide a process for private property owners to appeal notices received from the city requiring repairs, reconstruction or lining of private sanitary sewer lateral lines; and

WHEREAS, the city council believes that private property owners should have the ability to appeal such notices under certain circumstances; and

WHEREAS, a formal appeals process for private property owners should be established as part of the I&I program; and

WHEREAS, the building appeal board is the authority authorized to hear appeals on various building code matters and would be the proper authority to hear an appeal regarding the I&I program.

THEREFORE, BE IT RESOLVED, the city council hereby declares its intent to create and establish an appeals process as part of the city's I&I program for private property owners who have received notice of a required repair, reconstruction or lining of a private sanitary sewer lateral line and desire to appeal such notice to the building appeal board.

FURTHER RESOLVED, that appeals shall only be available to private property owners upon the following grounds:

(a) That the party receiving the notice is not responsible for the lateral line in question; or

(b) That the lateral line in question is not significantly contributing to the infiltration of clean water; or

(c) That the party can make other acceptable changes such as but not limited to landscaping, gutters and down spouts, rain barrels, etc., to mitigate their significant contribution.

FURTHER RESOLVED, that the city shall not fine an appealing party for

failure to comply until the appeals process has been completed.

Approved as to form:

Attorney

CCREQ/ATTY JS/GBJ:cjk 6/23/2009

STATEMENT OF PURPOSE: This resolution is a declaration of the city council's intent to create and establish an appeals process as part of the city's I&I program for private property owners who have received notice of a required repair, reconstruction or lining of a private sanitary sewer lateral line and desire to appeal such notice to the building appeal board based on certain circumstances.