

**ORDINANCE NO. 2010-**

**ORDINANCE AMENDING TITLE 5, CHAPTER 51, REGARDING  
SEWER LATERAL INSPECTIONS, OF THE CODE OF ORDINANCES  
OF THE CITY OF GREENFIELD, INDIANA**

**WHEREAS**, the Common Council of the City of Greenfield, Indiana, has been advised by the Wastewater Utility Superintendent of the continuing efforts of the Wastewater Utility to detect and correct sources of inflow of ground water into the sanitary sewer system; and

**WHEREAS**, the Wastewater Utility Superintendent has suggested to the Board of Public Works and Safety and the Common Council adoption of an ordinance creating an additional program to assist in the efforts to eliminate the inflow of ground water into the sanitary sewer system ; and

**WHEREAS**, the additional program has been described to the Common Council by the Wastewater Utility Superintendent, as being an additional inspection by television of all of the laterals affected at the time there is a change of ownership of every lot, parcel of real estate, or building, that discharges sanitary waste into the sanitary sewer system of the City, if such televised inspection had not been conducted by the previous owner within the previous 5 years; and

**WHEREAS**, the Common Council of the City of Greenfield, Indiana, recognizing the substantial increase in treatment costs created by the inflow of ground water into the sanitary sewer system, and thereby reducing the efficiency of the utility, believes the adoption and authorization of implementation of said additional inspection process to be in the best interest of the health, safety and welfare of new homeowners and the citizens of the City of Greenfield, Indiana.

**THEREFORE BE IT ORDAINED** by the Common Council of the City of Greenfield, Indiana that:

**SECTION I**

Title 5, Chapter 51, of the Code of Ordinances of the City of Greenfield, Indiana, shall hereby be amended by the addition of §51.57 worded as follows:

**§ 51.57 PROPERTY TRANSFER INFLOW & INFILTRATION REDUCTION**

**PROGRAM.** Except as hereinafter provided, prior to a change of ownership, or at any time a new owner desires wastewater service if no inspection was completed within five (5) years of the change of ownership by the previous owner, of every residential lot, parcel of real estate or building that discharges sanitary wastes into the sanitary sewer system of the City of Greenfield, except for first-time transfers from the developer or builder, and at any other time that a potential problem is discovered by Wastewater personnel or the owner of the property, unless if, at the discretion of the Wastewater Utility Superintendent, such improvement is to be razed within a reasonable amount of time from the transfer of ownership and there will be no occupancy of the sewage producing structure, said property shall be inspected for proper sanitary sewer connections, inflow and infiltration as follows:

(1) The inspection required hereunder shall be completed by the City Wastewater Department, at the cost of the homeowner. The homeowner is financially responsible for the televising and recording the condition of the sewer lateral leading from the structure that discharges sanitary wastes to the City's sewer main. The inspection shall also include entering onto the property to verify that no sump pump, foundation drains, down spouts, or other prohibited connections are connected to the sanitary sewer system. Any improper connections must be removed in a manner that will prevent any future reconnections of the same or similar type and/or nature. In order to facilitate the inspection, the home's sanitary sewer must be readily accessible through a clean-out from inside the home basement or a clean-out outside of the home. Readily accessible shall be defined as a clean-out which is a minimum 4-inch size and from which the access cap can be easily removed. In the event a clean-out of such size does not exist, one must be installed at the property owner's expense before the lateral video inspection. The homeowner, or the homeowner's contractor, shall provide to the Wastewater Utility a recorded copy of the televising of the sewer lateral prior to the closing of the sale of said

property and the issuance of any report or certificate. As an alternative to the homeowner installing a clean-out, the homeowner may enter into a written agreement with the Wastewater Utility that in exchange for the homeowner replacing their portion of the lateral at the homeowner's expense, the homeowner may forego the required televising of the lateral.

For the purposes of this section, the "homeowner's portion" of the lateral shall be described as: the length of sanitary sewer lateral from the structure's foundation extending to the near-side of the sidewalk, the curb/road-edge or sanitary sewer easement, as determined by the Wastewater Utility Superintendent. The remaining length of sanitary sewer lateral shall be replaced at the Wastewater Utility's expense.

(2) Notice of any defects that are discovered in the course of said inspection shall be provided to the property owner. Because said defects may jeopardize the health and well-being of the home buyer or of the citizens of Greenfield, the defects must be corrected within ninety (90) days of receipt of said notice and prior to the closing of the sale of said structure, or sooner if required by the Wastewater Utility Superintendent. In addition, water service may be withheld or water service may be disconnected from such property until such time as the inspection required by this section is completed and any defects or improper connections found by such inspection have been corrected. Said corrections shall be at the owner's expense and to the satisfaction of the Wastewater Utility Superintendent, or his designee. In the event that water service is disconnected, the reconnection fee may be waived by the City of Greenfield if the defect is corrected within the ninety (90) day time frame.

(3) Once inspected, and any defects corrected, the Wastewater Department shall issue a certificate of inspection for the property. Said property shall not be subject to reinspection under this section for a period of five (5) years after the issuance of a "Property Transfer Certificate of Inspection." The status of said certificate can be found on the property records of the Hancock County Recorder's Office.

(4) The owner of any such property who fails or refuses to have said property inspected or to correct any defects found in the inspection, may be charged with an ordinance violation, and upon being found to have committed same, shall be liable for a fine in the sum of Twenty-Five Dollars (\$25.00). Each day a violation continues after written notice to the owner for compliance with this section shall constitute a separate offense. Such ordinance violations may be filed in Court, and in such event, upon being found to have committed the ordinance violation; the violator shall be responsible for all accumulated fines, court costs and attorney fees, if applicable.

(5) In the event that property has been inspected and the owner believes they have made satisfactory repairs, but the Wastewater Utility Superintendent, or his designee, denies the issuance of a certificate of inspection, said denial may be appealed to the Board of Public Works and Safety for review. In addition, ordinance violations issued under this section may be appealed to the Board of Public Works and Safety, but only prior to the time they are filed in Court. The decision of the Board of Public Works and Safety shall be final.

(6) The intent of this Ordinance is that the sanitary sewer inspection required under this section be held and any repairs made prior to a change in ownership. However, if no inspection was done and the sewage-producing structure changes ownership, the Greenfield Wastewater Department and the Greenfield Municipal Utilities Business Office shall require the new owner to complete the inspection and repairs, if any, and the new owner shall be subject to the regulations outlined in this section.

## **SECTION II**

This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

## **SECTION III**

Introduced and filed on the \_\_\_\_ day of \_\_\_\_\_, 2010. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_ in favor and \_\_\_ opposed pursuant to I.C. 36-5-2-9.8. On the \_\_\_\_ day of \_\_\_\_\_, 2010, a motion to approve the above on second reading was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this \_\_\_\_ day of \_\_\_\_\_, 2010, by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
D.J. Davis

\_\_\_\_\_  
D.J. Davis

\_\_\_\_\_  
Kelly J. McClarnon

\_\_\_\_\_  
Kelly J. McClarnon

\_\_\_\_\_  
Jason Horning

\_\_\_\_\_  
Jason Horning

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Mitchell Pendlum

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Mitchell Pendlum

\_\_\_\_\_  
Gregory W. Carwein

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Gregory W. Carwein

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Gary P. Evans

\_\_\_\_\_  
Gary P. Evans

\_\_\_\_\_  
Kerry Grass

\_\_\_\_\_  
Kerry Grass

ATTEST:

\_\_\_\_\_  
Larry J. Breese, Clerk-Treasurer

Presented by me to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Larry J. Breese, Clerk-Treasurer

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Brad DeReamer, Mayor  
City of Greenfield, Indiana