Sump Pump Discharge Ordinance Updates

City Council Work Session
February 24, 2020
Sump Pump Issues - Winter

- Ice on sidewalks
- Ice in streets
- Ruts in ice cause vehicle damage
- Parked cars frozen to pavement
- Dangerous on hills and at stop signs
- Frequent trips by Public Works to clear ice
- Especially difficult for elderly and disabled
Ice on Sidewalks
Ice in Streets
Ice Ruts and Frozen Cars
Sump Pump Issues - Summer

- Water, algae, mud and debris on sidewalks
- Water, algae, mud and debris on streets
- Slippery for pedestrians
- Dangerous for bicycles and motorcycles
- Mosquitos in standing water
Water/Algae on Sidewalks
Water/Mud/Debris on Streets
Discharge Options

There are many options to address sump pump discharges. Some are effective, but sometimes there are no good options available immediately.

1. Discharge to back yard away from house and adjoining properties
2. Discharge to front yard away from house, adjoining properties, and front sidewalk
3. Connect to city storm sewer if available
Discharge Options
Additional Options

If no practical way to eliminate or reduce the issue, additional action may be required:

- Capital project by City
  - Add storm sewer
  - Install footing drain
- Watershed repair program for neighborhood issues
- Individual stormwater BMP installation through City rebate program
CIP Project Subdrain
47th and Holcomb
Stormwater BMP
Stormwater BMP
Current Enforcement Process

- Investigate complaint and document discharge
- Determine if can eliminate or reduce nuisance
- Send advisory letter to property owner directing modifications to sump pump discharge
- In approximately two weeks, reinspect to see if modifications have been made
- If discharge has been modified to eliminate or reduce nuisance, complaint is closed
- If not eliminated or reduced, second letter sent.
- In another two weeks, reinspect again.
- If still not eliminated or reduced, then city may abate the nuisance.
Abatement Process Issues

- Public nuisance under Des Moines Code Sections
  - 42-348(25) - dirt, debris or other material
  - 42-348(26) - discharge of waters which collect on property from subsurface or surface drainage

- Civil court action for abatement can be time consuming and costly for City
- Challenging since fix can be as simple as moving the flexible discharge hose
- Residents will sometimes move hose then move it back immediately
- Due to the challenges with abatement, very few formal abatement processes have ever been completed
Proposed Enforcement Process

- Same as previous process until enforcement
- Enforcement changes from abatement to administrative penalty
- If discharge has not been eliminated or reduced during re-inspection, Notice of Violation is issued
- Administrative penalty schedule per city council resolution
- Resident has 30 days to pay penalty and reduce or eliminate nuisance
- First appeal to Public Works Director
- If appeal is denied, resident has 7 days to submit appeal to City Clerk for full administrative hearing per Des Moines Code Sec. 45-358.02(b)
- Resident can still take to Polk County District Court
- Abatement may still be pursued if violator refuses to correct the violation and pay the penalty or the Public Works Director determines the need
Administrative Penalty Benefits

- A letter specifying a fine for noncompliance would get more compliance in a timely manner
- Increasing penalties could deter repeat offenders
- Potentially reduce number of rechecks by City staff
Next Steps

- Answer questions from City Council
- Finalize updated ordinances
  - Sec. 42-362. Notice of violations - Administrative penalties and appeal to Director
  - Sec. 42-363. Administrative hearings for administrative penalties
  - Sec. 42-457.01. Administrative hearings
- Submit updated ordinances for Council approval