

**COUNCIL BILL NO. 2007-507****ORDINANCE NO. 2007-212**

**AN ORDINANCE** repealing Article II, Sewers and Sewage Disposal, Division 7, Building Sewers of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Article II, Sewers and Sewage Disposal, Division 7, Building Sewers of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the City has not raised fees since 1977 and the costs of services have substantially increased and exceed revenues, and,

WHEREAS, the Council of the City of Joplin desires to increase fees to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article II Sewers and Sewage Disposal, Division 7, Building Sewers of Chapter 118, Utilities be repealed and a new Article II Sewers and Sewage Disposal, Division 7, Building Sewers of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

**CHAPTER 118 UTILITIES  
ARTICLE II. SEWERS AND SEWAGE DISPOSAL  
DIVISION 7. BUILDING SEWERS**

Sec. 118-231. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public or district sewer or appurtenance thereof without first obtaining a written permit from the director of public works.

Sec. 118-232. Classifications of permits.

In addition to the permit for private sewage disposal systems, there shall be two types of building sewer permits, each for in-town sewers and out-of-town sewers:

- (1) For connection to district sewers; and
- (2) For connection to public sewers.

Sec. 118-233. Application for permit.

Applications for either type of permit required by this division shall be made by the owner or his agent on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered necessary by the public works director.

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Sec. 118-234. Determination that property cannot be included in district sewer.

Permits to connect to public sewers shall be issued only to those applicants or their agents whose land or property cannot reasonably be included in a district sewer, as determined by the director of public works. In making such determination, the director of public works shall consider the availability of the public sewer system to the land in question, the cost to be incurred by the applicant, the effects on land and owners thereof in the general area, the fair and equal treatment of landowners in the general area, and the anticipated future sewage disposal requirements of land in the general area.

Sec. 118-235. Permit fee; connection fee.

A permit and inspection fee of \$25.00 shall be charged for an in-town permit under this division or \$50 shall be charged for an out-of-town permit under this division, which shall be due and payable at the time the application is made. An additional connection fee of \$1,000.00 shall be charged for each in-town connection to public sewers or \$2,000.00 shall be charged for each out-of-town connection to public sewers, which fee shall be in consideration of the perpetual right to the use of the public sewer system by the applicant and his successors in interest, however, subject to the conditions, restrictions and limitations contained in the permit issued therefor. Whenever any person connects with a sanitary sewer and pays a fee, or connects by written consent as provided in this division, it shall not relieve him from paying a sanitary sewer tax or special tax bill for constructing a sanitary sewer that is legally levied, and in case his property that is so connected with a sanitary sewer is placed in another sewer district or joint sewer district, he shall be required to pay his proportionate part for constructing the sewer. The previously paid fee shall then be refunded.

There shall be an additional fee of \$150 as determined by the director of public works when sewer connection work as described in this section is performed on concrete and/or clay pipes.

Sec. 118-236. Liability for costs of installation and connection; indemnification of city.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 118-237. Separate building sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 118-238. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director of public works, to meet all requirements of this

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division. Old building sewers not acceptable for reuse, and which will not be reconnected immediately, are required to be capped in a watertight manner sufficiently below grade to be permanent.

Sec. 118-239. Specifications.

The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

Sec. 118-240. Inspection; supervision of connection.

The applicant for the building sewer permit shall notify the director of public works when the building sewer is ready for inspection and connection to the public or district sewer. The connection shall be made under the supervision of the director of public works or his representative.

Sec. 118-241. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Sec. 118-242. Raising of manholes; access to lines and manholes.

It shall be the responsibility of the property owner, contractor or developer to raise manhole casings to conform to the finished ground elevation if the area is filled or reshaped to change the depth of cover over sewer piping. Property owners or contractors shall provide access to sewer lines and sewer manholes. Access shall not be restricted by fences, shrubbery or buildings.

Sec. 118-243. Sewer improvements by private contract.

The provisions of sections 106-64 and 106-65 shall be applicable to and shall govern sewer improvements by private contract.

Sec 118-244. Sanitary sewer overflows.

The City of Joplin shall not be held liable for damages due to sanitary sewer overflows caused by rain events, as they are considered an act of God. It shall be the responsibility of the property owner, contractor or developer to construct and maintain adequate devices to protect the property from damage due to sanitary sewer overflows as a result of such events.

Secs. 118-245--118-274. Reserved.

Section 2. That this ordinance shall become effective on January 1, 2008.

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PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of October, 2007.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney