

DIVISION 4. INFLOW AND INFILTRATION INSPECTION ORDINANCE

Sec. 44-170. Statement of purpose.

The City of Algonac requires property owners to obtain a certificate of inflow and infiltration ("I/I") compliance from the city before selling or transferring title of property. Inspection of sewer service lines; roof drains; foundation drains; and sump pump systems are required when a property connected to the city sanitary sewer line is sold (point of sale). Properties that do not pass inspection will be issued a correction notice.

(Ord. No. 2022-02 , § 1, 3-15-2022)

Sec. 44-171. Point of sale certificate of inflow and infiltration compliance.

- (a) *Required.* No person shall sell, give, or transact a change in title or property ownership of real property with one or more buildings or structures that is served by municipal sanitary sewer, without first obtaining a certificate of I&I compliance from the city.
- (b) *Inspection.* The applicant for a certificate of I&I compliance is responsible for providing an inspection of the property after making application for same. Fees associated with this article shall be established and amended from time-to-time by resolution of city council. The inspection shall be made by a plumber licensed by the State of Michigan to determine whether the property is compliant with city sanitary sewer regulations. The inspection will also look for potential illicit discharges into the city storm water system. The plumber must inspect the property's sump pump, sewer service lateral, and groundwater drainage system, and upon completion, return an inspection form provided by the city documenting the results of the inspection.
- (c) *Compliance.*
 - (1) A certificate of compliance shall be issued by the city upon successful completion of an inspection. A certificate of compliance shall be valid for ten years.
 - (2) A certificate of I&I compliance is valid to be used for the transfer of property.
- (d) *Corrections.* Upon notice that the discharge of clear water on a property is non-compliant with city sanitary sewer service regulations, the owner or occupant of the property shall cease from discharging clear water in violation of this division and shall make the necessary repairs and corrections to discharge the clear water lawfully.
 - (1) Discharge of clear water in compliance with this division shall be completed within 90 days of the date of notice of non-compliance, or as determined by city administration.
 - (2) If an inspection discloses that use of a property is not in accordance with city sanitary sewer service regulations, a correction notice may be issued by the city permitting the conditional transfer of property, providing:
 - a. An agreement by the new owner or new owner's representative has been executed with the city, whereby the new owner or new owner's representative agrees to complete corrections to the property necessary to bring it within compliance within 90 days of the transfer of property.

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- b. The owner or owner's representative involved in the transaction is responsible for disclosing the correction notice to the transferee and all other persons or entities involved in the transaction. The responsibility for repairing any non-compliance with the sanitary sewer service regulations runs with the land and not only rests with the owner or transferor but is also an obligation of the transferee of the property. If repairs are not completed within one year of the first inspection, the inspection becomes invalid and the process starts again, which includes paying the applicable inspection fee.
- (e) *Penalties.* A monthly surcharge in an amount duly adopted by the city council and set forth in the city's fee schedule shall be assessed against any property found to be in violation of this section. A surcharge shall be assessed for every month during which the property is non-compliant. This charge shall terminate when the property has been inspected and acceptable certification of compliance is submitted to the city.
- (Ord. No. 2022-02 , § 1, 3-15-2022)

Sec. 44-172. Appeals.

Application for appeal of any administrative determination made pursuant to this division shall be addressed to the city manager within 30 days of the determination. Applications shall at a minimum identify the property for the appeal sought; the name of the property owner; and a detailed description of the determination that is being appealed. The city administration shall set a date not less than 30 days after receipt of the appeal at a regular meeting of the city council for a de novo hearing and shall provide written notice of same to the property owner. At the hearing, the property owner, or its agent, shall be given the opportunity to show cause why the determination should not be enforced. The city council shall either approve, disapprove, or modify the determination. If the city council approves or modifies the determination, it shall take all necessary action to enforce it.

(Ord. No. 2022-02 , § 1, 3-15-2022)