

PUBLIC WORKS DEPARTMENT

Sump Pump Discharge Policy (Draft)

1. Background:

This policy is to address the discharging of sumps pumps within the City right of way. The Overland Park Municipal Code (O.P.M.C.) Section 7.54.250 of the Municipal Code states that *water from intermittent discharges, such as sump pumps, shall not be discharged closer than five (5) feet to any adjoining property line*. In most cases, this setback will allow the discharge water from sump pumps to percolate naturally through the soil on private property. In locations with constant and frequent discharges however, despite compliance with the set back requirements of O.P.M.C. 7.54.250, sump pump discharge may create a public nuisance where the water flows across public sidewalks, driveways, and streets. This Policy is not intended to address seasonal discharge issues.

When the accumulation of ice or algae creates a hazard to the public that is not dissipated readily from the normal weather changes, it is considered a public nuisance and must be abated promptly.

2. Purpose:

The purpose of this policy is to address the constant and frequent discharge of sump pump water within the right of way; provide staff guidance when enforcing; and give abatement options to residents. A critical reason for establishing a policy is to address the safety hazards and infrastructure deterioration that sump pumps may cause on sidewalks and streets from constant and frequent discharging.

The following basic requirements govern the discharge of water from residential sump pumps:

- Discharges need to be set back from the property lines a minimum of 5 feet. This includes the front right of way, all side lot lines and rear lot lines (O.P.M.C. 7.54.250)
- Discharges may not create a public nuisance (ice build up on streets, hazardous conditions on streets or sidewalks, etc.). In the event the sump

PUBLIC WORKS DEPARTMENT

pump becomes a safety hazard, the City will ask the resident to mediate the safety hazard pursuant to O.P.M.C. 7.04.280 and 13.24.010

- Sidewalk maintenance is the responsibility of the property owner (Chapter 13.08.180).

3. Possible Alternatives for Property Owners to Abate a Public Nuisance from Sump Pump Discharges:

When there is an identified public nuisance from sump pump discharge, the owner of the property will be notified in writing by the Planning & Development Services Department's Community Planning and Services Division of the violation and given a time frame for correction. The suggested solutions below are not a guarantee that the nuisance will be abated, and are only suggestions for the property owner.

a. Relocate sump pump discharges:

Discharges that flow to the street or over sidewalks that are within compliance of the Municipal Code should be re-positioned back on to private property further to allow greater infiltration, or relocated so that the sump pump line discharges to the backyard.

Relocating is typically performed between November 1 and April 1st to prevent ice build up in the streets or on sidewalks which could potentially create a hazard to both motorists and pedestrians, as well as excessive damage to our roadways and snow removal equipment.

b. Connect to the Public storm sewer system (pipe or structure) in right of way or in drainage easement :

When the discharge from sumps pumps is causing a nuisance on the street or sidewalk, the property owner has the option to connect to the nearest public storm sewer structure or pipe at the property owner's expense.

PUBLIC WORKS DEPARTMENT

Requirements for installation of a private drainage line in the right of way and connection to a storm sewer structure or pipe:

- A Right-of-Way work permit must be obtained from the Public Works Department for a connection to the public storm sewer system. This is required whether the storm sewer system is in the public street right of way or in a public utility or drainage easement. The Public Works Department Right of Way Inspector must be present to inspect the connection.
- Storm sewer structure connections:
 - Direct connections to storm sewer structures shall only be allowed for discharge lines 4-inches and smaller in diameter.
 - Connections to structures must be made in the top $\frac{1}{4}$ of the structure.
 - The receiving public storm sewer structure must be core drilled and the connection grouted using a non-shrink grout.
- Storm sewer pipe connections
 - When storm sewer structures are not available for a connection within a reasonable distance of the discharge pipe, or it is otherwise impractical or impossible to connect to a structure, direct connections to public storm sewer pipes may be approved at the discretion of the ROW Coordinator as part of the Right-of-Way Work Permit review/approval process.
 - Direct connections to storm sewer pipes shall only be allowed for lines 4-inches and smaller in diameter.
 - Connections to pipes must be made in the upper $\frac{1}{4}$ of the pipe.
- Drainage line must remain in the right of way. If connection to a pipe or structure is on the opposite side of the street, the shortest distance must be taken when crossing the street. Any damage to Public Infrastructure will be repaired at property's expense.
- Property owner is responsible for maintenance of system.
- An air gap\overflow device at primary building/structure
- Cleanout box for access to system for future maintenance and cleaning
- No roof drains may be connected to the drainage line due to potential leaf\debris build up in line
- PVC pipe recommended.

PUBLIC WORKS DEPARTMENT

c. Rain gardens:

Rain gardens are small depressed garden areas filled with moisture loving plants. Sump pump discharge is directed to these areas to facilitate infiltration. Information on how to get started on installing a rain garden is available by contacting the Water Quality Coordinator in the Public Works Department.

d. Seepage Pit:

A seepage pit is a rock filled pit where sump pumps discharge in to and water percolates in to the surrounding soil. Size of pit and rock will depend on frequency of discharge. The property owner may need to consult an engineer.

4. Request for City Assistance:

Sump pumps that are a continual issue year round, and have no storm sewer system within a reasonable, practical and feasible distance to which a property owner may connect, the City may assist the property owner in a resolution once the property owner has abated the situation to the best of their ability.

a. Monitoring Period

The City of Overland Park Public Works Department will monitor each situation for 9-12 months. This allows the Department to determine if the issue is seasonal. The monitoring period may be extended if necessary to reach a conclusion. The Stormwater Engineering Section of the Public Works Department will assist if necessary.

b. Cost Sharing

The City may assist homeowners in a 2/3 and 1/3 cost share program. The City would pay 2/3 of the cost of the project and the property owner would pay the remaining 1/3 of the project cost.

PUBLIC WORKS DEPARTMENT

The project cost is based on the bid submitted by the City's Contractor. The property owner will receive a written letter from the City outlining the homeowner's share of the total cost of the project. The property owner will be requested to pay their share of the cost prior to the work being done.

5. Future Connections to Existing Drainage Lines:

If a property owner requests to connect to an existing drainage line, installed either by the City of Overland Park or by another property owner, they may do so subject to the follow requirements:

a. City Installed Drainage Line Requirements:

An initial assessment will be made to determine if the existing line can accommodate the discharge from the additional connections. If operational problems arise after the additional connections, the added line may be disconnected or the homeowner given the option of participating in the cost of extending a separate drainage line to the next available storm sewer structure. The City shall have no liability to any property owner for errors that may occur in from the initial assessment, including any damages that might arise due to the additional flow. Each property owner is required to maintain their back-flow and air-gap protection devices to prevent inadvertent house flooding.

b. Drainage Line Installed by Other Property Owner:

The City will not be involved in the review or approval of any connection that one owner may wish to make in the drainage line that has been installed by another property owner. Such connection shall be considered a private matter between the property owners. Complaints from property owners about unauthorized connections to their system will be referred to the Planning & Development Services Department's Community Planning and Services Division for enforcement. In the event that property owners mutually agree to allow the connection and the connection itself is located within the right-of-way, a right-of-way work permit is needed for the additional connections, and written permission from the owners of all other properties currently served by the existing line must be received. The granting of the right-of-way work permit in this instance is only made to regulate the disturbances that occur in the right-of-way, and shall in no

PUBLIC WORKS DEPARTMENT

way be construed as a City concurrence with the adequacy or appropriateness of the connection.

6. Director's Authority:

The Director of Public Works retains the authority to waive elements of this procedure when it is determined that unique conditions exists and that it is in the City's best interest to do so.

Effective Date: date procedure goes into effect

Revision Date: June 3, 2008

PREPARED BY:

APPROVED BY:

Darryl E. Fourte
Division Manager, Public Works Maintenance

William D. Brown, P.E.
Director of Public Works

William E. Ebel, P.E.
Director of Planning & Development
Services

PUBLIC WORKS DEPARTMENT

Appendix 1

Property Owner Requirements and Responsibility:

The Owner must give the City approval to connect their sump pump drain line to the storm water system. The form of that approval shall be a legally binding Sump Pump Agreement between the Property Owner and the City, and the Agreement shall run with the land. The City can not complete any work until the Agreement has been signed and returned by the property owner.

The Owner is responsible for installing an approved discharge line from the sump pump discharge to a point on the right of way determined by the agent of the City. The Owner bears all costs of that installation and arrangements for such must be made directly between the Owner and a Contractor.

After the City's agent has inspected and approved the discharge terminus at the right of way, then the City will arrange for the connection to the municipal storm sewer system. It is understood by the Owner that this in no way obligates or commits the City for any further work.

An exception to this is if an existing discharge line had been previously brought near the right-of-way line but was terminated 5 feet away in conformance with the Code, the City may include the small extension as needed in the overall work. Any such extension that is not located on right-of-way shall be considered private property, and maintenance of that extension reverts to the property owner upon completion of the connection.

It is also understood by the Owner that the City reserves the right to disconnect the private discharge line for any reason at any time. If the discharge line is disconnected, the City will provide the owner with 30 days notice of the intent to disconnect and the reasons for doing so, and will install a new outlet device on the property, returning it to a point no closer than 5 feet from the right of way lines, or as otherwise required by the current Code.

Further, it is understood that once a line has been installed, the City reserves the right to connect other neighboring sump pump discharges to it. The Owner shall

PUBLIC WORKS DEPARTMENT

have no claim for reimbursement for any share of previous expenditures associated with the line, nor shall the owner have any claim against the City for damages they may claim as a result of the additional connections. The sole remedy of the original owner who may experience problems as a result of the additional connections is to request that the later installations be disconnected, and this request will only be granted upon documentation of the problems being experienced.

In addition, the City requires that each property's sump pump line that is connected as part of this project, shall install and maintain a back-flow prevention device (inside house) and an air gap\overflow device system outside of the house. These are two safety devices put in place to reduce flooding potential.

The City of Overland Park shall not be held liable for any flooding damages to private property caused by excessive flow moving through the storm sewer system and consequently backing up into sump pump discharge line