

APPROVED


Office of the City Attorney
(As to form only)

Prepared By: RWE/JPW
Requested: OCE
Presentation on: 04/27/10
Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CITY OF TUSCALOOSA MANUAL FOR
THE DESIGN OF SANITARY SEWERS, 2010 EDITION AND
REVISING ARTICLE III, DIVISION 2 OF CHAPTER 16
OF THE CODE OF TUSCALOOSA
(A09-0379)

WHEREAS, the Office of the City Engineer in conjunction and cooperation with the Water and Sewer Department has developed and maintains a uniform, standardized specifications and design manual for the construction of sanitary sewer systems entitled "City of Tuscaloosa Manual for the Design of Sanitary Sewers, 2010 Edition"; and,

WHEREAS, all material contained in the "City of Tuscaloosa Manual for the Design of Sanitary Sewers, 2010 Edition" has been printed as a Code in book or pamphlet form and bound together.

WHEREAS, in accordance with Ala. Code §11-45-8(c), the City Clerk placed on file in her office not less than three (3) copies of the City of Tuscaloosa Manual for the Design of Sanitary Sewers, 2010 Edition for use and examination by the public, and that such copies remained on file in the Office of the City Clerk for not less than fifteen (15) days prior to April 27th, 2010, the day set for holding the public hearing.

WHEREAS, in accordance with Ala. Code §11-45-8(c), fifteen (15) days notice of the time, place and purpose of the public hearing provided for was published once a week, for two (2) consecutive weeks, in a newspaper of general circulation within the municipality on to-wit, March 29th, 2010 and April 5th, 2010.

WHEREAS, the adoption of the City of Tuscaloosa Manual for the Design of Sanitary Sewers, 2010 Edition, also requires revisions to Article III of Chapter 16, Division 2, Construction of the Code of Tuscaloosa, Sections 16-66 through 16-78 in their entirety.

SECTION ONE. BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Article III of Chapter 16, Section 16-66 through Section 16-78 of the Code of Tuscaloosa be, and the same is, hereby amended in its entirety, to read as follows:

“ARTICLE III. SEWERS

DIVISION 2. CONSTRUCTION

Sec. 16-66. Adoption of Design Manual.

The Office of the City Engineer in conjunction and cooperation with the Water and Sewer Department has developed and maintains a uniform, standardized specifications and design manual for the sanitary sewer system. In accordance with the provisions of Ala. Code §11-45-8(c) (1975), the City of Tuscaloosa Manual for the Design of Sanitary Sewers, 2010 Edition (the Manual) is hereby referred to and adopted by reference as fully as if set out at length herein, and from and after the effective date of this article shall govern as far as code or ordinance can, to all the subjects to which they relate within the corporate limits of the City of Tuscaloosa and within its police jurisdiction. All Developer Sanitary Sewers shall be designed and constructed in accordance with the provisions of said Manual.

Sec. 16-67. Penalty for violation.

Any person, firm, corporation, or agent, who shall violate any provision of the Manual herein adopted, or fails to comply therewith, or with any of the provisions thereof, or any provision of this division shall be guilty of a misdemeanor and, on conviction, be punished as provided for in Section 1-8, of the Code of Tuscaloosa. The violation of or the noncompliance with each individual requirement, rule or regulation, of such Manual or this division, and each day's continuation thereof, shall constitute a separate and distinct offense.

Sec. 16-68. Definitions.

The terms as defined in Sections 16-40, 16-79, 16-89.1 and 16-140 of the Code of Tuscaloosa shall have applicability herein except that, whenever the following terms are used in this division they shall have the meaning respectively ascribed to them unless the context clearly indicates otherwise:

Acceptance: A certificate issued by the City Engineer or his designee stating that a particular Developer Sanitary Sewer is accepted by the City as a Sanitary Sewer for City ownership and maintenance as part of its System, conditioned upon execution of a one year maintenance bond.

Access: A connection of a Developer Sanitary Sewer, a Private Sewer or a lateral to the System whereby wastewater is or may be contributed into a Sanitary Sewer or Sewer Mains, Lines, Interceptors, the System or POTW. Access to a Sanitary Sewer or Sewer Mains, Lines, Interceptors, the System or POTW is also

conditioned upon compliance with the City of Tuscaloosa's Sanitary Sewer Access Policy, Section 16-89.1 et. seq. of the Code of Tuscaloosa, which generally conditions, with limited exception, such Access upon annexation into the corporate limits of the City of Tuscaloosa.

Applicant: A Developer making application for a Sanitary Sewer Permit.

Contribute: The addition, discharge or introduction of any substance, but generally wastewater, either directly or indirectly, into the System, POTW or Sanitary Sewers, Sewer Mains, lines or interceptors.

Developer: Any person, firm, partnership, corporation or other legal entity or their representative seeking a Sanitary Sewer Permit for the purpose of constructing a Developer Sanitary Sewer or any person, firm, partnership, corporation or other legal entity that has been issued a Sanitary Sewer Permit.

Developer Sanitary Sewer: A Sanitary Sewer designed and/or constructed with the intention or for the purpose that the same be Accepted and permitted to Access a Sanitary Sewer or Sewer Main, Line or Interceptor, of the System or a Private Sewer designed and/ or constructed with the intention or for the purpose that the same be permitted to Access a Sanitary Sewer or Sewer Main, Line or Interceptor of the System.

Land Development Permit (LDP): A written document prepared and executed by the City Engineer or his/her designee which authorizes development in accordance with the provisions in Article 12, Chapter 21, Section 21-212 of the City Code and subject to any additional or specific requirements that may be stated therein.

Lateral: A private sewer generally serving a single user or establishment that generally should have no tributaries to it and which is capable of contributing wastewater into the System by accessing a Sanitary Sewer or Sewer Main, Line or Interceptor. Laterals do not form part of the City's System and are not maintained by the City.

Private Sewer: A sanitary sewer which is not a Sanitary Sewer or Sewer Main, Line or Interceptor of the System as herein defined, and is or was constructed and/or owned by an entity other than the City, not maintained and/or accepted for maintenance by the City and/or not located within public rights-of-way, easements or interest in land sufficient for that purpose and/or which the City has no pecuniary interest.

Publicly Owned Treatment Works or POTW: A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned, in this case, by the City. This definition includes any Sanitary Sewer or Sewer Main, Line or Interceptor of the System that conveys wastewater to such treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment or private sewers or laterals. The term shall also mean the City, a municipality as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Sanitary Sewer: A pipe or conduit used for the transport of wastewater and to which storm, surface and groundwater are excluded. These shall include gravity sewers, low pressure sewers, or force mains.

Sanitary Sewer Permit: A written document prepared and executed by the City Engineer or his/her designee which authorizes the construction and/or installation of a Developer Sanitary Sewer. A Sanitary Sewer Permit is not Acceptance nor does it authorize Access.

System: The POTW and all City sanitary sewers or sanitary sewer mains, lines, collectors, interceptors, lift stations, and related facilities of the City for the collection, transportation and treatment of wastewater, not including laterals or private sewers.

Sanitary Sewer or Sewer Mains, Lines, Interceptors, etc.: City-owned sanitary sewers meeting the following criteria: (1) located within public easements, lands or rights-of-ways which are capable of being utilized for that purpose; (2) constructed and/or maintained by the City for the purpose of transporting wastewater from more than one establishment or user for treatment by the City; (3) approved by the City Engineer and accepted by the City; (4) having sufficient capacity to accept the additional flow; (5) not a lateral or private sewer; (6) which carries wastewater and to which storm, surface and ground waters are excluded. The term excludes laterals or private sewers.

Sec. 16-69. Language and interpretation of text.

The following language rules are applicable to this division:

(a) The imperative case is always mandatory. The words "shall" and "must" are always mandatory. These actions must be performed unless sufficient engineering justification is submitted to the City Engineer and written approval has been granted pursuant to Section 16-75.

(b) The word "should" indicates an action that is highly recommended under most conditions. The word "may" indicates an allowable action or choice that is usually beneficial in meeting the minimum City requirements.

(c) Use of the singular or plural case of a noun will not affect the applicability of this article, or any other law, regulation, or ordinance, unless the context of the sentence specifically indicates that the singular/plural case affects the intended use or function on a scientific or engineering basis. The use of a singular or plural noun does not necessarily indicate whether to design or construct a single unit or multiple units. The masculine includes the feminine.

(d) Any reference to the City Engineer shall also mean the duly authorized representatives, designees or employees under his supervision who have the delegated responsibility. Areas of delegated responsibility may include, but is not limited to: review and approval of plans, review and approval of survey plats, definition of standards or requirements, approval of special conditions, review and issuance of permits, inspections and field investigations, enforcement actions, issuing notices of violation, conducting public meetings, etc.

Sec. 16-70. Sanitary sewer permit required.

(a) No person, firm or corporation or other legal entity shall commence or continue the construction of any Developer Sanitary Sewer or part thereof without a Sanitary Sewer Permit. No person, firm or corporation or other legal entity shall Access or attempt to Access any Sanitary Sewer or Sewer Main, Line or Interceptor of the System without having obtained a Sanitary Sewer Permit, received a Certificate of Acceptance from the City Engineer and permission from the City Engineer to Access the System.

(b) Prior to the construction of a Developer Sanitary Sewer or part thereof, the Developer or person in charge or control thereof shall make application to the City Engineer and obtain a Sanitary Sewer Permit authorizing construction of a Sanitary Sewer in accordance with the provisions of this division. It shall be unlawful for any person to engage in the construction of any Developer Sanitary Sewer without a permit as required by this division.

(c) All Developer Sanitary Sewer construction activity pursuant to a Sanitary Sewer Permit shall be under the supervision of a professional engineer or his/her designated representative employed by the Developer or contractor in charge or control of the site of the construction and such engineering services shall include resident observation/inspection during the construction of the Developer Sanitary Sewer. All records and logs of such supervision and observation/inspections shall be made available to the City Engineer upon his request for the same.

Sec. 16-71. Application for sanitary sewer permit.

(a) Any contractor, developer or other person wishing to construct a Developer Sanitary Sewer must make application for a Sanitary Sewer Permit to the Office of the City Engineer. If an LDP is also required then the application for the Sanitary Sewer Permit may be, at the discretion of the City Engineer, part of the LDP application process.

(b) In addition to other requirements, the application shall state whether or not the Developer Sanitary Sewer and / or the establishments it is intended to serve is within the corporate limits of the City of Tuscaloosa and if applicable what measures are being taken and will be taken in regard to annexation prior to Access.

(c) Applications for a Sanitary Sewer Permit shall be submitted in writing to the City Engineer on a form provided by the Office of the City Engineer. The Developer shall submit with the application a sanitary sewer development plan which shall contain details, calculations, construction specifications and other technical details and related documents meeting all the requirements of this division including the Manual which must be designed and sealed (stamped) by a professional engineer registered in the state, with sufficient knowledge and experience to accomplish all design elements of the sanitary sewer development plan. The sanitary sewer development plan designs for all submitted developments must also meet federal and state standards for use of best management practices and health and safety. The sanitary sewer plan must also locate, identify and address existing public utilities and public utility easements and what measures will be taken to insure that the integrity, access and usability of the utilities and easements by the utility itself will be preserved.

(d) A complete application shall be submitted and reviewed in accordance with the provisions and requirements of this division and the Manual. An application will not be considered complete if any aspect of the Sanitary Sewer Permit application or the sanitary sewer plan or any supporting documents are not deemed sufficient by the City Engineer or require further substantiation, revision or detail from the applicant. The failure of the City Engineer to approve, disapprove or request further information in regard to any application for a Sanitary Sewer Permit shall not be construed as an approval thereof nor constitute a waiver of any requirement of this division.

(e) All design professionals must have sufficient education and experience to perform a complete and thorough design of each element shown on the sanitary sewer development plan, and he or she must also have complete control to change or alter plans during the design phase. The professional's stamp is a public guarantee

that his/her design has the highest regard for health and safety, protects the environment (air, soil, water) to the maximum degree possible, and serves the interests of the general public.

(f) Design disclaimer: Compliance with applicable codes, laws, ordinances of the City, State or the United States government, the use of best management practices and generally accepted engineering practices is the responsibility of the design professional, the contractor and the developer. The City, through its permitting and inspection process pursuant to this division, does not and cannot guarantee or assure that any development activity fully complies with all such codes and laws.

(g) Submission of applications for Sanitary Sewer Permits, sanitary sewer development plans, or drawings required herein are utilized by the City only to ascertain their existence, that they comply with obvious requirements and generally meet the goals of this division. Plans are not reviewed by the City for compliance with all aspects of codes, ordinances or other laws or generally accepted engineering and design practices, that being the responsibility of the design professional. Inspections by the City are routine checks to determine compliance with the requirements of this article and are not intended as a substitute for proper design or development activity in accordance with the contract documents or all applicable code or technical provisions.

Sec. 16-72. Issuance of permit and inspections.

Upon satisfactory completion of the application for a Sanitary Sewer Permit by the Developer, submission of all data and satisfaction of all preconstruction terms and compliance with all applicable ordinances, including an LDP if applicable, the City Engineer shall inspect the applicable documents, including maps, plats, specifications and the sanitary sewer development plans, or drawings required herein of every proposed Developer Sanitary Sewer, and on approval by the City Engineer and payment of the inspection fee provided for in Section 16-73, shall issue a Sanitary Sewer Permit for the construction of such Developer Sanitary Sewer and shall cause such inspections to be made as may be necessary to ensure compliance with provisions of all applicable ordinances of the City. If an LDP is required, then the Sanitary Sewer Permit may be, in the discretion of the City Engineer, issued and incorporated as part of the LDP application and LDP permit issuance process. The issuance of a Sanitary Sewer Permit by the City Engineer to the Developer authorizes only construction of the Developer Sanitary Sewer, and said permit shall not confer any right of Access to the System unless and until inspected and Accepted by the City Engineer.

Sec. 16-73. Permit Fees.

An inspection fee to cover the cost of inspections of the construction activity associated with a Developer Sanitary Sewer for which a Sanitary Sewer Permit has been issued shall be charged to the Developer by the City Engineer in an amount equal to **twenty cents (\$0.25)** per linear foot of all sewer lines proposed to be constructed shall be paid prior to the issuance of the Sanitary Sewer Permit. The minimum inspection fee for any such permit shall be One Hundred Dollars (\$100.00).

Sec. 16-74. Compliance with Specifications.

The specifications set out in this division and the Manual shall have application to the construction of Developer Sanitary Sewers, to the enforcement of applicable subdivision regulations relating to Sanitary Sewers and to the provisions of Section 16-79, et seq. 16-89.1 et seq, of the Code of Tuscaloosa, as amended, not including, however, laterals or a septic tank unit or other onsite disposal system. All Developer Sanitary Sewers constructed in the City or, pursuant to applicable ordinance, within its police jurisdiction, shall be designed and constructed pursuant to the requirements of this division and the Manual. It is the responsibility of the Developer and his/her consulting engineer to ensure compliance with these specifications.

Sec. 16-75. Alternative materials, design and methods of construction and equipment.

All local, state and federal laws and regulations shall be considered when interpreting provisions of this division and/or the Manual for the Design of Sanitary Sewers, 2010 Edition. In each instance, the more restrictive requirement shall govern unless sound engineering judgment can determine and prove that the more restrictive requirement would be otherwise unnecessary. In most instances, laws and regulations that are phrased more explicitly shall apply over those items that are not phrased as precisely.

The provisions of the Manual for the Design of Sanitary Sewers, 2010 Edition, are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the Manual, provided that any such alternative has been approved by the City Engineer. An alternative material, design or method of construction may be approved where the City Engineer finds that the proposed design is satisfactory and complies with the intent of the provisions of the Manual for the Design of Sanitary Sewers, 2010 Edition, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire resistance, durability and safety.

All requests for alternative materials, designs or methods pursuant to this section must be submitted in writing to the Office of the City Engineer at the time the Sanitary Sewer Permit application is submitted. If written approval from the City Engineer is not received by the Developer or his engineer within fifteen (15) days from the date of the submission of the request, then the request is automatically denied.

Sec. 16-76. Additional specifications for unusual construction conditions.

The City Engineer is authorized to make, in his discretion, additional requirements or specifications for a Sanitary Sewer Permit consistent with sound engineering principles for the construction of any part of a Developer Sanitary Sewer, if such additional requirements or specifications should be indicated by unstable ground conditions, high water table, elevated lines or other unusual construction conditions.

Sec. 16-77. Certificate of Acceptance and Access.

(a) After final inspection of the completed Developer Sanitary Sewer by the City Engineer, and upon completion of all requirements enumerated by any applicable ordinance and regulation, the City Engineer shall issue a Certificate of Acceptance and Access, in writing, to the effect that to the best of his knowledge, information and belief the provisions of this division, the Manual and any other applicable ordinances have been fully satisfied (subject to disclaimer as stated in this division), that the Developer Sanitary Sewer is accepted by the City as a Sanitary Sewer or Sewer Main, Line or Interceptor of the System for City ownership and maintenance as part of its System (conditioned upon execution of a one year maintenance bond), and that the Developer may proceed to install the Access subject to inspection and approval thereof by the City Engineer. In addition, to the extent that the Developer Sanitary Sewer is within a right of way or easement contained in a Final Plat, the City Engineer's Certificate of Acceptance shall also operate as acceptance by the City of the dedication of the legal right of the City to fully exercise the rights of ownership, operation and maintenance of the same.

The Certificate of Acceptance and Access is subject to the terms and conditions of applicable ordinances, statutes, and factual representations and data in the application and sanitary sewer development plan. Without limiting the generality of the foregoing the Certificate of Acceptance and Access is specifically conditioned upon compliance with the Sanitary Sewer Access Policy, Section 16-89.1 et. seq. of the Code of Tuscaloosa, which generally conditions, with limited exception, Access upon annexation into the corporate limits of the City of Tuscaloosa.

(b) It shall be unlawful for any Developer Sanitary Sewer, any private sewer or any sanitary sewer that is not a Sanitary Sewer or Sewer Main, Line or Interceptor of the System to Access or contribute to the System unless and until such Certificate of Acceptance and Access has been issued by the City Engineer.

(c) Provided; however, the City Engineer upon written request from the Developer stating the reason therefore, may permit a temporary Access prior to issuance of the Certificate of Acceptance in the form of a Preliminary Access Certificate if he is satisfied that the Developer Sanitary Sewer has reached a level of completion that insures a Certificate of Acceptance will be issued in the near future or it is necessary to properly test the Developer Sanitary Sewer to determine if it is eligible for a Certificate of Acceptance. If written approval from the City Engineer for Preliminary Access is not received by the Developer or his engineer within fifteen (15) days from the date of the submission of the request, then the request is automatically denied. If the City Engineer grants the request for Preliminary Access and subsequently determines the circumstances for its issuance are no longer applicable, he may direct its removal and disconnection from the System. It shall be unlawful to permit or allow a Preliminary Access to the System after the City Engineer determines the circumstances for its issuance are no longer applicable and so notifies the Developer.

Sec. 16-78. Reserved.”

SECTION TWO. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Sections 16-228, 16-229, 16-230 and 16-231 of the Code of Tuscaloosa be, and the same are, hereby repealed and shall be deleted from the Code of Tuscaloosa.

FUNDING REQUIRED: Yes No

By: _____
 Finance Director

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

62 70

Proposed changes to the City of Tuscaloosa Standards and Specifications:

1. SECTION 3.0 Construction plan format: Only one format will be accepted for sanitary sewers and that is plan over profile. Plans that have plan view on one page and profile view on another will no longer be accepted.

2. SECTION 3.0 An electronic copy of construction plans must be submitted at the time of obtaining LDP.

3. SECTION 3.0 and 5.0 A wastewater flow projection and capacity review will be required for each proposed development.

4. SECTION 4.0 Requirement for minimum easement widths will be increased based on depths of burial (Table 4.1)

5. SECTION 5.4.3 Establish more stringent requirements for sewer line creek crossings (i.e. piers and erosion control).

6. SECTION 3.5.I SANITARY SEWER SYSTEM SPECIFICATIONS require manhole vacuum testing.

Proposed Resolution changes to the City of Tuscaloosa Municipal Code:

1. SECTION 16-66 Adopt the City of Tuscaloosa Manual for the Design of Sanitary Sewers.
2. SECTION 16-67 Establish penalty for violation
3. SECTION 16-68 We establish a penalty for violation of the Code.
4. SECTION 16-70 Require the application for sanitary sewer permit be applied for as part of the LDP application process. This section of the code also requires full time inspections on sanitary sewer installations.
5. SECTION 16-73 Increase the sanitary sewer permit fee to \$0.25 cents per linear foot of sewer with a \$100.00 minimum.
6. SECTION 16-75 Added a section to cover the City Engineer approving alternative materials, design, and methods of construction and equipment for sanitary sewers.
7. SECTION 16-77 Establish a new procedure for acceptance.