

Commercial Property Disconnection Requirements & In-Lieu of Disconnection Program Application

This Guidance Document is written in accordance with the requirements of South Bend Code of Ordinance Section 17-4 paragraph C (1) (*Sec. 17-4 C (1)- Drains and downspouts disconnection requirements; limited exceptions*).

Introduction

The City requires that all commercial/industrial building's downspouts, sump pumps and parking lots be disconnected from the sanitary or combined sewer before December 31st, 2020. If, for reasons of cost, safety, or feasibility, it is not possible or practical to disconnect the building, the building may remain connected. However an exemption fee will be charged for buildings that do not disconnect. (See Ordinance 17.4 for full definition of relevant building types).

In-Lieu of Disconnection Program

Water that enters the sewer has a treatment cost. Due to the massive cost to the City of the federally mandated long-term control plan there will be a fee for commercial buildings that are unable to, or choose not to, disconnect their downspouts, sump pumps, and parking lots from the City's sanitary or combined sewer. Owners have two compliance options. While it is the preference of the City that all commercial building's downspouts, sump pumps and parking lots be disconnected from the sanitary or combined sewer, the City recognizes that in certain limited circumstances this may not be possible or practical. If that is the case for your building you must apply for an exemption. Exempt buildings will be charged a fee for their continued emissions into the city sewer. This fee is known as the "In Lieu of Disconnect Program".

Description	Fee
Disconnect	\$0
In-Lieu of Disconnection Program	\$0.61 (61 cents) per square foot of connected impervious surface.



Disconnecting: If the commercial property disconnects all downspouts, sump pumps, and parking lots from the City's sanitary and/or combined sewer there is no fee. The term 'disconnection' includes the cessation of over-ground rain or snow melt run-off from entering the City's sanitary and/or combined sewer as well as direct piped connections such as connected downspouts.

In-Lieu of Disconnection Program: The fee for emitting downspout, sump pump or parking lot water into the City's sanitary or combined sewer system will be \$0.61 (61 cents) per square foot of connected impervious surface. It is a once-off fee.

About the fee

As stated above, if you are unable to disconnect you must pay a fee for each square foot of your property that emits to the city's sanitary or combined sewer. This fee is for the emission of water from your connected downspouts, parking lot(s) and/or sump pump(s) due to it requiring treatment. The fee is in addition to your existing sewer bill and exists to assist the City to cover the cost of treating the water you emit to the City sewer which is in addition to the water supplied to your building. To avoid the charge you must disconnect your building. If you are unable to disconnect, then this charge will apply. If an area on your property is not connected, or is a pervious surface from which water does not enter the City's combined or sanitary sewer, you will not be charged for that area.

Calculation of the ILDP fee

Area: This is the total of all impervious area on the property (not limited to buildings or otherwise improved areas) which directs water into the City's sanitary or combined sewers. For buildings on the property the area means the "birds-eye" area of the building's footprint, not the cumulative area of each floor. If a parking lot or other impervious area on the property also directs water into the sanitary or combined sewers remember it must also be included in the calculation of total impervious area. If the property owner believes that an area of the property is not connected, it is their responsibility and their cost to clearly demonstrate this, with appropriate proof.



Important dates and deadlines

By December 31st 2020 all relevant buildings shall have either fully disconnected or shall have entered the In-Lieu of Disconnect Program.

What to do next

Assess whether you can disconnect your building or not. If you can disconnect you must do so by December 31st 2020. If you find that it will be impractical, impossible, unsafe, or prohibitively expensive to disconnect your building then you must apply to the “In-Lieu of Disconnection Program”. Remember you must not create a safety hazard by disconnecting a building.

How do I apply?

Fill in the attached application form (pages 4-6 of this document) and return to:

Department of Public Works
In-Lieu of Disconnect Program,
227 W Jefferson Blvd., #1316
South Bend, IN 46601.





CITY OF SOUTH BEND, IN.

**APPLICATION FOR
IN-LIEU OF DISCONNECTION PROGRAM (ILDLP)**

Please complete this form in full and also attach any additional information supporting your application.

SECTION 1: Property Owners Contact Information			
First Name:		Last Name:	
Street Number:	Street Name:	Suite/Unit #:	
City: South Bend		Zip:	
Telephone 1:		Telephone 2:	
Email:			

* Full legal name of registered property owner(s). In the case of corporate ownership, a person with the authority to enter the corporation into a legally binding contract may complete.

SECTION 2: Property Address			
<input type="checkbox"/> Property address same as mailing address stated above (if not, please specify below)			
Street Number:	Street Name:	Suite/Unit #:	Zip Code:
If your building has a name please include it here:			



SECTION 3: Property Information- Downspouts		
<u>Property Type</u> <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Other	Total number of external downspouts: _____ Number disconnected from city sewer: _____ Number connected to city sewer: _____	Total number of internal downspouts (i.e. not visible from outside of property): _____
Indicate if your building: <ul style="list-style-type: none"> <input type="checkbox"/> Has an internal only roof drainage system: <input type="checkbox"/> Is a registered historic structure: <input type="checkbox"/> The property is within or adjacent to a wetland or wellheads. 		
The information you provide in this section, (Section 3) is required for record keeping by the City and to assist in verifying your application, it will not directly influence the applicable ILDP fee for this property.		

SECTION 4: Calculation of your fee to join the ILDP	
A: The total birds-eye square footage of my property, as listed at the above address is (please provide this information in the box to the right):	
B: The amount, in square feet, that I can prove, does not emit any run-off (rain water or snow melt) into the City sewer is:	
C: The square footage listed in A, minus that stated and proven in B is:	
D: Connected Square footage C, multiplied by \$0.61 (61 cents) is:	\$
(This amount is the fee to join the In-lieu of Disconnect Program)	
Remember , if under point B above you are claiming that part of your property is not connected the onus is on you to clearly, thoroughly, and overwhelmingly beyond doubt demonstrate that fact. The evidence supporting your claim must be submitted along with this application form. An engineering drawing should be submitted.	
Next, complete the declaration on the next page (page 6) and submit this completed form to:	Department of Public Works In-Lieu of Disconnect Program, 227 W Jefferson Blvd., #1316 South Bend, IN 46601.



SECTION 5: Eligibility Criteria

To be eligible to join the In-lieu of Disconnect Program the Applicant must meet the following requirements:

1. The Applicant must be the legally registered owner of the property;
2. The Applicant must provide all of the documentation required in this application; and
3. The Applicant must, when directed by the City, pay the ILDP fee.

Terms

1. Documentation submitted by an Applicant will be retained by the City for record keeping.
2. The Applicant shall provide the City with access to the property to verify the information contained in the application and any supporting documents provided by the applicant.
3. The completion and submission to the City of this application by the Applicant does not in itself constitute successful membership of the ILDP.
4. A previously issued exemption from the requirement to disconnect may be revoked where any information provided in the application or in support of the application by the property owner(s) or any person on his or her behalf is false, misleading or inaccurate in whole or in part.

Declaration

In order for your application to be reviewed, all information must be provided. In addition, a City representative may inspect your property to verify the information provided; by submission of this application you grant permission to a City representative to enter onto your property for inspection/verification purposes.

I am the registered owner of the subject property and certify that the information contained in this application, and all other attached/enclosed documentation is accurate and true in all respects*.

Signature

Print Name (Full Legal)

Date (mm-dd-yyyy)

*In the case of ownership by a corporation or business entity, a person with the authority to bind the owner may submit this application.

SECTION 6: Next Steps

- The City's Department of Public Works will review your submitted application form along with the supporting documents which you will need to provide in support of point B of Section 4 above.
- If the application is adequate you shall be notified of such in writing and at this stage you will be informed of how to make your one time ILDP payment.
- If however, after review, the City considers the application to be incomplete or if insufficient evidence regarding, for example, point B of Section 4 above is provided, the City will notify you in writing that it requires additional information before the application can be processed.

