

ORDINANCE NO. 66, FOURTH SERIES

AN ORDINANCE DELETING IN ITS ENTIRITY THE LANGUAGE OF REDWOOD FALLS CODE OF ORDINANCE § 3.50 AND ENACTING A NEW ORDINANCE ALLOWING FOR THE INSPECTION OF PROPERTY TO DETERMINE IF THERE IS DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE, TO PROVIDE A SURCHARGE FOR NON-COMPLIANCE AND CONNECTION REQUIREMENTS.

WHEREAS, the City Council of Redwood Falls finds that the discharge of water from any surface, groundwater sump pump, roofs, yards, lawns, streets, alleys, footing title, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal and regional sanitary sewer systems. Such overloading of the sanitary sewer system may result in sewage flowing into basements and/or residences and businesses, creating hazardous public health conditions and significant damage to properties. The City Council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this Ordinance be strictly enforced.

THE CITY COUNCIL OF REDWOOD FALLS, MINNESOTA HEREBY ORDAINS:

§ 3.50 DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE

Subd. 1. *Definitions*

- A. *City*. For the purposes of this section, “City” is defined as the City of Redwood Falls.
- B. *Clear Water Drainage*. For the purposes of this section, clear water drainage is defined as stormwater, natural precipitation, ground water or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows or water discharge from any nonresidential air conditioning unit or system.
- C. *Ownership*. The property owner shall own and be responsible for the maintenance of the sanitary sewer service lateral between the City’s sanitary sewer main within the street and the building being served, including the connection to the main. For purposes of this section, “Owner” is defined as the property owner of record with the Redwood County Records Office.
- D. *Prohibited Discharges*. Except as otherwise expressly authorized in this section, no ponds, water fountains, water from any roof, surface, groundwater sump pump, swimming pool, or other natural precipitation or groundwater shall be discharged into the sanitary sewer system. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure, or is connected to a storm sewer or discharge through the curb and gutter to the street.

- E. *Prohibited Connections.* No person shall make or maintain a connection between any conductors used to carry clear water drainage into the City's sanitary sewer system unless otherwise authorized under Subd. 2 F.

Subd. 2. *Sump Pumps.* Dwellings and other buildings and structures that require a sump pump system to discharge excess water because of the infiltration of water into basements, crawl spaces and the like shall obtain a building permit, if required, and have a permanently installed discharge line that complies with the following:

- A. *Sump Pit.* The building shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit.
- B. *Discharge Pipe.* A discharge pipe shall be installed to the outside wall of the building with rigid PVC pipe one-inch inside diameter minimum. The discharge pipe must have a check valve within one foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement. The discharge shall extend at least three feet outside of the foundation wall.
- C. *Alternate Methods of Installation.*
 - 1. The discharge pipe may be connected directly to the municipal underground storm sewer system provided the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.
 - 2. The discharge may be connected directly to the municipal curb and gutter system provided the pipe is placed under the sidewalk or boulevard and through the back of the curb and that an approved backflow prevention device is installed. This method shall only be allowed if there is not storm sewer or street underdrain available adjacent to the property.
- D. *All New Construction.* Any new construction in which a sump and pump will be installed, shall be required to install a rigid pipe connection discharge in accordance with the provisions of this section.
- E. *All Existing Construction.* Any existing construction in which a sump and pump have been or will be installed, shall be required to install a rigid pipe connection discharge in accordance with the provisions of this section.
- F. *Exceptions.* In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the sanitary sewer may be maintained from October 15 to March 15 with the use of a dual-valve system. In no case shall any connection to the sanitary sewer be maintained from March 15 to October 15. Exceptions shall be granted by permit on a case by case basis as determined by authorized City personnel.

Subd. 3. *Inspections.* The purpose of inspections shall be to confirm that there is no discharge of prohibited clear water drainage and the property is in compliance with this section. The inspection shall include, but is not limited to: inspection of the properties down spouts, eave troughs, rainspouts, yard drains, perimeter drains, sump pumps, foundations drains as the like. The Owner of any dwelling, building, or other structure shall have a period of thirty (30) days to schedule an appointment for an inspection from the date the City sends a written notice to the Owner requesting admittance to the Owner's property for an inspection, to either allow a City inspection of the property, or the Owner may contract with a licensed plumber to perform the inspection, and notify the City of the results thereof. Upon completion of an inspection, the City inspector or a licensed plumber hired at the sole expense of the Owner, shall provide the Owner a copy of the inspection report. The report shall indicate whether or not the property is in compliance with this section. If the property is not in compliance with this section, the report shall indicate in detail all deficiencies discovered and the required corrections in order to be in compliance with this section. The Owner shall have a period of ninety (90) days from the date the Owner is informed of the deficiencies to obtain a building permit, if required, to disconnect the sump pump or other prohibited discharge, to complete all the necessary corrections as outlined in the inspection report and schedule a reinspection with either the City inspector or licensed plumber to verify that the property is now in compliance with this section. If there are any corrections outlined in the inspection report that require the issuance of a building permit, then the City Building Official shall conduct the reinspection for compliance with all applicable City code requirements and shall provide the necessary documentation to verify the property is in compliance. **If the Owner leases the subject property or for any reason does not reside at the property, the Owner ultimately has the duty and responsibility to provide all notices related to this section to every tenant of the property and to ensure compliance with the inspection process and any necessary corrections, if so required.** No lease or other contract purporting to shift maintenance or repair obligations to a tenant shall relieve Owner's obligations to comply with these regulations. Tenants in any property within the City have an obligation to cooperate with the Owner and the City, Utilities and their designees with respect to the completion of any required inspection or necessary corrections in order for the Owner to be in compliance with this section.

Subd. 4. *Powers and authority of inspectors.* Duly authorized employees of the City, and its designees, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to the discharge to any public sewer or natural outlet in accordance with the provisions of this section. Sampling pertaining to industry will reflect the number of days an industry is not operating as well as the days in operation and discharging waste to a public sewer.

Subd. 5. *Required Inspections.* Inspections are required when one (1) of the following occurs:

- A. The Owner receives notice from the City that their property needs to be inspected under the inspection program as referenced in this section.

- B. The property is offered for sale or conveyance by deed or contract for deed, unless the City has verification that the property was already inspected and found to be in compliance within the last ten (10) years.
- C. The City orders a street improvement project and the property is adjacent to a street in the project area.
- D. For the purposes of safeguarding the health and safety of the general public or occupants of a building to determine compliance with the City code.

Subd. 6. *Violations.*

- A. *Failure to Schedule Inspection.* If the Owner fails to schedule an inspection within thirty (30) days after receipt of the notice from the City per subd. 5 nor provides an affidavit from a licensed plumber that the property was inspected and in compliance with this section, then the City inspector will set a specific date and time for the inspection and will mail notice of the scheduled inspection to the Owner. If the Owner is not present for the scheduled inspection or refuses to allow the property to be inspected, the Owner shall be found in violation of this section and may be subject to the surcharge as provided in subd. 8 below.
- B. *Failure to Provide Access.* If the Owner or occupant fails to provide sufficient access to the sanitary sewer service lateral within the dwelling, building or structure, including removal of any obstacles so that the sanitary sewer lateral is completely accessible or fails to make the sewer line cleanout readily available for the inspection causing the inspection to be rescheduled, the Owner shall be found in violation of this section and may be subject to the surcharge as provided in subd. 8 below.
- C. *Failure to Complete Necessary Corrections.* If the necessary corrections have not been made within the ninety (90) day timeframe or a reinspection to verify compliance has not been scheduled, the Owner shall be found in violation of this section and may be subject to the surcharge as provided in subd. 8 below.
- D. *Prohibited Connections.* Any Owner who, after being found in compliance with this section, makes a prohibited connection or conducts an installation in violation of this section shall immediately remove the connection or correct the installation. Notice of the connection violation shall be provided to the Owner by hanging the notice on the premises, by personal service, or by certified mail. If the connection violation is not corrected within thirty (30) days from receipt of the notice of the connection violation, the Owner shall be found in violation of this section and may be subject to the surcharge as provided in subd. 8 below.
- E. *Periodic Reinspection.* The Owner found not to be in conformance with this section during periodic reinspections or during any other maintenance work on the property shall be found in violation of this section and may be subject to the surcharge as provided in subd. (8) below.

Subd. 7. *Violations Discovered at Time of Sale.*

- A. *Seller Responsibilities.* When the City inspector determines that there has been a violation of any provision of this section prior to the sale, the seller is responsible for correcting the deficiencies prior to the sale, unless the buyer has assumed such responsibility as provided in subd. B below. Failure of a seller to disclose to a buyer that there are uncorrected violations of this section is a violation of the City code. When correcting the deficiencies, all necessary permits shall be obtained from the City. Upon completion of the corrections, the City inspector or a licensed plumber shall reinspect the property to verify compliance and submit an affidavit of compliance to the City.
- B. *Buyer Responsibilities.* If a seller cannot correct the deficiencies prior to the sale, the buyer must assume the responsibility for correcting the deficiencies. The buyer shall sign a written acknowledgement from the City that includes:
1. The buyer's acceptance and assumption of responsibility for correcting the deficiencies within one (1) year after closing on the property;
 2. That the buyer understands that a reinspection is required to verify the corrections have been completed;
 3. That the buyer holds the City harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the deficiencies; and
 4. That failure to correct the deficiencies is a violation of the City code and the buyer may be subjected to the surcharge as provided in subd. (8) below.

Subd. 8. *Surcharge.* 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 on which clear water is discharged in violation of this section. The monthly surcharge will be charged to the Owner who will receive a monthly billing statement from the City. The surcharge, as established by the City Council, will be assessed for every month during which the Owner is in violation of this section.

Subd. 9. *Nonpayment of Surcharge.* If the surcharge is not received by the City, the City reserves the right to assess the unpaid balance against the property benefited and collected in a like manner, as are special assessments.

Subd. 10. *Appeal.* Applications for appeal of any administrative determination made pursuant to this Ordinance shall be address in writing to the City Administrator within 30 days of the determination. Applications shall at a minimum identify the property for the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the City Council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

Subd. 11. *Criminal Penalties.* Any person violating any of the provisions of this section shall be guilty of a misdemeanor that imposes a maximum penalty of 90 days in jail, a \$1,000 fine, or both.

Subd. 12. *Effective date.* This section shall be in full force and effect from and after its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this _____ day of _____, 2019.

ATTEST:

Keith Muetzel
City Administrator

Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
_____ day of _____, 2019

Notary Public

Introduced: October 15, 2019
10 Day Notice: October 18, 2019
Approved: November 5, 2019
Publication: November 11, 2019