

ORDINANCE NO. 66, FOURTH SERIES

AN ORDINANCE DELETING IN ITS ENTIRITY THE LANGUAGE OF REDWOOD FALLS CODE OF ORDINANCES § 3.50 FOR SUMP PUMPS AND ENACTING A NEW ORDINANCE ALLOWING FOR INSPECTIONS OF PROPERTY TO DETERMINE IF THERE IS DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE AND TO PROVIDE A SURCHARGE FOR NON-COMPLIANCE WITH INSPECTION 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. *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.
- B. *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.
- C. *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.
- D. *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 to 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 by the owner of the property, 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 all deficiencies and violations discovered in sufficient detail to identify the violations 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 and violations 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 re-inspection with either the City inspector or licensed plumber to certify 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 re-inspection for compliance with all applicable City code requirements and shall provide the necessary documentation to verify the property is in compliance. **If owner leases the subject property, owner ultimately has the duty to provide these notices to every tenant of the property.** 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 inspections or necessary modifications.

Subd. 4. *Required Inspections.* Inspections are required when one of the following occurs:

- A. The owner of a property receives notice from the City that their property needs to be inspected under the inspection program as reference above.
- 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 code.

Subd. 5. *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 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. 6. *Removal of Connections.* Any property 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 violation shall be provided to the owner by hanging the notice on the premises, by personal service, or by certified mail. If the violation is not corrected within thirty (30) days of receipt of the notice of violation, the City may impose a surcharge in the amount provided in subdivision (7) below. The owner of a building or premises found to be not in conformance with this subdivision during periodic re-inspections may be subjected to a surcharge as provided in subdivision (7) below.

Subd. 7. *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 Ordinance. The monthly surcharge will be charged to the property owner who will receive a monthly billing statement if one or more of the following conditions apply:

- A. If the property owner fails to schedule an inspection within (thirty) 30 days after receipt of the notice from the City per subd. 4 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 property owner. If the property owner is not present for the scheduled inspection or refuses to allow the property to be inspected, the surcharge shall be imposed.
- B. The property 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 to the inspector or fails to make the sewer line cleanout readily available for the inspection causing the inspection to be rescheduled.
- C. The necessary corrections have not been made within the ninety (90) day timeframe or a re-inspection to verify compliance has not been scheduled.
- D. The property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected at the City's or a court's direction.

A surcharge as established by the City Council will be assessed for every month during which the property is not in compliance.

Subd. 8. *Nonpayment of surcharge.* If the surcharge is not received by the City of Redwood Falls, the City reserves the right to assess the property owner the unpaid balance.

Subd. 9. *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. 10. *Effective date.* This section shall be in full force and effect from and after its passage and publication.