

## ORDINANCE NO. 2022-09

### SAINT ANTHONY VILLAGE, MINNESOTA

#### AN ORDINANCE AMENDING SECTION 50.16 OF CHAPTER 50 STORM WATER AND SANITARY SEWERS

The City Council of the City of Saint Anthony Village ordains as follows:

**Section One.** Amendment to the City of Saint Anthony Village City Code to Amend Section §50.16 Prohibited Discharges into Sanitary System, of the City Code of the City of Saint Anthony Village is hereby amended as follows. The deleted language is represented by ~~striketrough~~ text. The additional language is represented by single underlined text.

**Section Two. Effective Date.** This Ordinance amendment shall be in full force and effect upon its publication as provided by law. Homes offered for sale, conveyance by deed, or contract for deed shall be excluded from this ordinance amendment from the date of publication until March 1, 2023.

#### **§ 50.16 PROHIBITED DISCHARGES INTO SANITARY SYSTEM.**

(A) Applicability and purpose. This section shall apply to all water entering the sanitary sewer system unless explicitly exempted by the city. The city and its representatives are authorized to administer, implement, and enforce the provisions of this section.

(1) The City Council finds that the discharge from roofs, rainspouts, yard drains, surfaces, groundwater, sump pumps, footing tiles or swimming pools, foundation drains, yard fountains, ponds, cistern overflows, water discharged from any nonresidential air conditioning unit or system, or other means of transmitting natural precipitation and surface waters, collectively referred to as excess infiltration and inflow, into the sanitary sewer system, will and has in the past overloaded the sanitary sewer system. The City Council, therefore, finds it essential for compliance with mandated City Code requirements that the provisions of this section be strictly enforced.

(2) This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

(B) Clear water drainage. CLEAR WATER DRAINAGE, for the purpose of this section, is defined as stormwater, natural precipitation, melting snow, ground water or flow from roof runoff, ground surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, footing tiles or swimming pools, foundation drains, yard fountains, ponds, cistern overflows, water discharged from any nonresidential air conditioning unit or system, or any other water that is not required to be treated by state or federal law, that enters the sanitary sewer system through any separation, gap, crack, fracture, collapse or other structural defect in the sewer lateral. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

(C) Private sewer lateral. PRIVATE SEWER LATERAL, for the purpose of this section, is defined as all sewer service pipes extending from the city sanitary sewer main to the dwelling, building or structure it serves.

(D) Ownership responsibility. The property owner shall own and be responsible for the routine maintenance and repair of the sanitary private sewer lateral, including the connection to the city sanitary sewer main.

(E) Prohibited discharges into the sanitary sewer system. It shall be unlawful for any person whose property is provided with sanitary sewer service to directly or indirectly cause or permit to be discharged, pumped or drained any clear water drainage into the city's sanitary sewer system.

(F) Prohibited connections. No person shall make or maintain a connection between any conductor, device or system designed to move clear water drainage from its source to any pipe, cleanout, floor drain, foundation drain, sink or any other apparatus with a direct connection to the city's sanitary sewer system.

(G) Sump pumps. A sump pump is a mechanical device used to remove liquid collected in a sump usually constructed below the normal grade of the gravity system, usually below basement floor level. Dwellings and other buildings and structures that require a sump pump system to collect and discharge excess clear water drainage because of the infiltration of water into basements, crawl spaces and the like shall obtain a permit and have a permanently installed discharge line that complies with the following:

(1) It shall not any time discharge water into the city's sanitary sewer system or be capable of connection or reconnection to the city's sanitary sewer system;

(2) It shall provide for year-round discharge capability to the outside of the dwelling, building or structure, to the city's storm sewer system;

(3) It shall consist of a rigid discharge line constructed of rigid piping material inside the dwelling or building, without any connections for altering the path of discharge, and if connected to the city's storm sewer line, must include a check valve of an approved type and diameter; and

(4) It must be directed toward the front or rear yard so as not to trespass or discharge onto adjoining properties.

(H) Single-family, owner-occupied properties. No person shall sell, advertise for sale, give or transact a change in title or property ownership of real property with one or more buildings or structures, without first obtaining a certificate of inflow and infiltration (I&I) compliance from the City or complying with division (L) of this section. Inspections shall be required for purposes of complying with the mandates of this section to eliminate clear water drainage into the sanitary sewer system. Failure to have an inspection as required in this section is a violation of the City Code.

(1) Sump pump inspections for all properties that discharge into the city's sanitary sewer system for the limited purpose of confirming that there is no sump pump discharge of clear water drainage shall be conducted by the Public Works Director or his or her designee. Such inspection shall be at no expense to the owner.

(2) Private service lateral inspections for all properties that discharge into the city's sanitary sewer system for the limited purpose of confirming that there is no inflow and infiltration (I&I) shall be conducted by a licensed plumber to determine whether the property use is in accordance with City sanitary sewer service regulations as provided in division (I)(3) and submit the inspection report and video to the City. The applicant for a certificate of I&I compliance inspection is responsible for all expenses associated to providing an inspection of the property. The entire property and all buildings on the property shall be made available for inspection.

(3) Inspections shall not be required under the following circumstances:

- (a) It is a newly constructed dwelling and title to the property is transferred to the first owner;
- (b) It is the sale or other transfer of title of any property with a dwelling that is being conveyed to a public body;
- (c) It is the sale or transfer of title of any property that contains a dwelling that will be demolished;
- (d) It is the sale or conveyance of any property that contains a dwelling by a sheriff or other public or court officer in the performance of their official duties. This exception does not apply to the sale by a person appointed by a probate court; or
- (e) The property has no public sewer access or has been granted a connection waiver by the city.

(4) Video inspections shall be valid for 3 years from the inspection date. Only videos containing a time stamp and location stamp clearly indicating the day, year, and property address will be accepted. Upon review of the video inspection, the city shall issue a certificate of compliance if the inspection verifies the conditions provided in division (I) are met.

(I) I&I Certificates of Compliance.

(1) Issuance. If, following inspection, it is determined that the property is in compliance with this section, the city shall issue a certificate of compliance. No new inspections or certificates for single-family, owner-occupied properties shall be required unless the property is offered for sale, or conveyance by deed, or contract for deed.

(2) Certificate of compliance period. Certificates of compliance are valid as follows:

- (a) For any property that had a full sewer service line and/or lining replacement, the certificate is valid for 25 years from the date of issuance.
- (b) For any property that had a partial sewer service line and/or lining replacement, the certificate is valid for 10 years from the date of issuance.

(3) The city shall issue a certificate of compliance if the inspection verifies that all of the following conditions are met:

- (a) There is no sewer pipe joint degradation, as evidenced by root intrusion and mineral staining, scaling and deposits;
- (b) There are no prohibited discharges or connections as defined by divisions (E) and (F) above;
- (c) There are no misaligned joints obstructing the flow of wastes causing blockages,

exfiltration of the intrusion of roots or minerals; or

- (d) The lateral is free of holes, cracks, fractures, collapses, or other structural defects.

(J) Residential rental properties. For residential rental properties, the property owner is required to locate the building's sewer cleanout, open the cleanout to ensure functionality, identify any private manholes or outside cleanouts and locate all sump pump systems (if applicable). The property owner shall obtain an independent inspection and submit an inspection report to the city upon submission of a new or renewal rental license application. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If any violations are discovered, corrections must be made pursuant to division (L) below. The city shall receive a post-repair video to verify compliance. Upon verification that the corrections have been made, the city shall issue a certificate of compliance.

(K) Commercial, industrial and HOA properties. For commercial and industrial properties and condominium or townhome residential properties with a homeowners' association ("HOA properties"), property owners are required to locate the building's sewer cleanout, open the cleanout to ensure functionality, identify any private manholes or outside cleanouts and location all sump pump systems (if applicable). The property owner shall obtain an independent inspection and submit an inspection report to the city. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If any violations are discovered, corrections must be made pursuant to division (L) below. The city shall receive a post-repair video to verify compliance. Upon verification that corrections have been made, the city shall issue a certificate of compliance.

(L) Violations.

(1) Violations, generally. Except as provided in division (L)(2) below, for owner-occupied, single-family private sewer lateral violations discovered during a time of sale inspection, if an inspection discloses there has been a violation of any provision of this division, the City will give notice of the violation to the owner and occupant in writing and allow time for compliance as follows.

- (a) For single-family properties, private sewer lateral violations shall be corrected within 18 months from the date of the sale of the property.

- (b) For residential rental, commercial, industrial and HOA properties, private sewer lateral violations shall be corrected within 24 months of the property's annual rental license renewal.

- (c) For all sump pump violations, regardless of the classification of the property, the violation shall be corrected within 14 days of discovery of the violation.

(2) Violations discovered at time of sale.

- (a) Seller responsibilities. If the inspection discloses there has been a violation of any provision of this section prior to the sale, the seller is responsible for correcting the violations prior to the sale, unless the buyer has assumed such responsibility as provided in division (L)(2)(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 violations, all necessary permits shall be obtained from the city. Upon completion of the corrections, the seller shall provide a copy of a post-repair video to the city to verify compliance.

- (b) Buyer responsibilities. If a seller cannot correct the violations prior to the sale, the

seller must require the buyer to assume the responsibility for correcting the violations, in which case, the seller and the buyer shall sign and submit a written acknowledgment to the city that includes:

1. The buyer's acceptance and assumption of responsibility for correcting the violations within 18 months from the date of the sale of the property;
2. The buyer's understanding that a copy of a post-repair video must be provided to the city in order to verify that the corrections have been completed;
3. The buyer's agreement to hold the city harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the violations; and
4. The buyer's understanding that failure to correct violations or deficiencies, failure to provide a post-repair video or failure to allow a reinspection is a violation of the City Code and subjects the buyer to penalties as stated in divisions (M), (O), and (R).

(3) Violations and corrections under the roadway. When the inspection discloses that there has been a violation of any provision of this section and the violations are under the roadway, the property owner will perform the repairs, except as stated in division (L)(4) below. However, a property owner shall not excavate in the roadway without permission from the Public Works Director.

(4) Non-excavation violations and corrections. When the property owner is correcting violations of the private sewer lateral between the street and the building using a cured in place pipe ("pipe liner") or similar approved repair methods, and the corrections only involve the lining of the private sewer lateral, the contractor shall terminate the pipe liner as close to the connection with the city's public sanitary sewer main as possible. If the pipe liner extends into the public main, the contractor shall trim off the excess portion and report its approximate location to the Public Works Department as soon as possible.

(5) The city reserves the right to periodically reinspect any property or structure to confirm continued compliance with this section. Any property found not to be in compliance upon reinspection or any person refusing to allow their property to be reinspected shall, following notification from the city, comply within 14 calendar days or be subject to the surcharge hereinafter provided for.

(M) Penalty.

(1) A monthly penalty of \$100 for owner-occupied, single-family properties; and a monthly penalty of \$300 for residential rental, commercial, industrial and HOA properties shall be sent an invoice if:

- (a) An owner fails to complete an inspection pursuant to divisions (H), (J) and (K);
- (b) An owner whose property was found in violation of this section did not make the necessary repairs and furnish proof of those changes to the city within the time frames required by this section;
- (c) An owner fails to allow an inspection or reinspection to verify compliance; or
- (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. The property owner will be subject to the penalty for all months between the last inspection.

(2) The surcharge shall be added every month until the property is determined by the city to be in compliance with this section. The city shall not issue building, plumbing, electrical, or mechanical permits for any property that is not in compliance with this section until the property is determined by the city to be in compliance with this section.

(N) Temporary waiver. The City Council, upon recommendation of the Public Works Director or his or her designee, shall hear and decide requests for temporary waivers from the provisions of this section where strict enforcement would cause a threat to public safety because of circumstances unique to the individual property under consideration. Any request for a temporary waiver shall be submitted to the Public Works Director in writing. Upon approval of a temporary waiver from the provisions of this section, the property owner shall agree to pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system as estimated by the Public Works Director or his or her designee.

(O) Public Works Director. The Public Works Director may set conditions to any temporary waiver issued. The Public Works Director may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. The Public Works Director must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(P) If a property owner demonstrates a financial hardship to pay for the disconnection cost of a noncompliant system, they may petition the City Council to assess the disconnection cost on the property. Under this petition, the property owner must waive their right to a public hearing and waive their right to appeal the assessments. Assessments initiated in this manner and associated interest charges must be paid back to the city within 5 years

(Q) Remedies. The remedies provided in this section do not limit the right of the city to pursue any other available legal remedy.

(R) Violation of this section is a misdemeanor and each day that the violation continues is a separately prosecutable offense. The imposition of the surcharge shall not limit the city's authority to prosecute the criminal violations, seek an injunction in district court ordering the person to disconnect the nonconforming connection to the sanitary sewer, or for the city to connect the violation and certify the costs of connection as an assessment against the property on which the connection was made.

Effective Date: This ordinance shall become effective as of its publication.

First Reading: November 22, 2022

Second Reading: December 13, 2022

Adopted: January 24, 2023

CITY OF SAINT ANTHONY VILLAGE

By: \_\_\_\_\_

Randy Stille, Mayor

ATTEST:

By: \_\_\_\_\_

City Clerk

Publish:

Publication Date: