

ORDINANCE NO. ___, THIRD SERIES

CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE amending Orono Municipal Code Sections 14.166 and 14-189 and adding Sections 14-190, 14-191, and 14-192 related to inspections of sanitary sewer service connections.

THE CITY COUNCIL OF ORONO ORDAINS:

SECTION 1. Orono Municipal Code Section 14.166 is hereby amended by adding the following definitions:

Infiltration: An indirect connection or discharge of clear water into the sanitary sewer system.

Inflow: Any direct connection of clear water into the sanitary sewer system.

Sewer Service Lateral or Service Lateral: The portion of the sanitary sewer system that generally is perpendicular to the sewer main and extends from the sewer main to the structure being served.

SECTION 2. Orono Municipal Code Section 14-189 is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

Sec. 14-189. - Prohibited discharges of groundwater/stormwater into the sanitary sewerage system.

- (a) No person shall discharge or cause to be discharged, directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Any person having a roof drain, sump pump, unauthorized swimming pool discharge, cistern overflow pipe or surface drain connected and/or discharging into the sanitary sewer shall disconnect and remove any piping or system conveying such water to the sanitary sewerage system.
- (b) *Inspection.* Every person owning improved real estate that discharges into the city's sanitary sewerage system shall allow inspection by authorized city employees or its agents of all properties or structures connected to the sanitary sewerage system to confirm there is no sump pump or other prohibited discharge into the sanitary sewerage system.

(1) In lieu of authorizing a city inspection of the property, the property owner may furnish a certificate from a licensed plumber, in a form acceptable by the city, certifying that the property has no prohibited discharge in the municipal sanitary sewer system. All inspections and inspection reports must include a date-stamped video record of the complete lateral line from the property to sewer main. All inspections must be performed and reports completed in accordance with City standards and specifications. Once a sewer service line is televised and the line is deemed to be in good working order by the public works department, the line does not need to be re-televised for 10 years.

(2) Connection and Disconnection Permit Inspections. Any property owner or consumer applying for a sewer connection or disconnection permit from the City shall agree to an inspection of the structure's sump pump, footing or foundation drain discharge and sanitary sewer service lateral for compliance with this Code. No permanent occupancy for a new structure shall be issued without a certificate of I&I compliance. These inspections must be completed by a city inspector.

(c) Any owner of any property found to be in violation of this section shall make the necessary changes to comply with this division, and such change shall be verified by authorized city employees or agents. Any property or structure not inspected or not in compliance shall, following notification from the city, comply within ~~44~~ 60 calendar days or be subject to the surcharge as provided in subsection (f) of this section.

(d) Existing buildings with sump pumps and all newly constructed buildings with sumps shall have a discharge pipe installed to the outside wall of the building. The pipe attachment must be of rigid permanent-type plumbing, such as PVC, copper or galvanized pipe. The discharge shall extend outside of the foundation and may not be pumped directly onto any public right-of-way unless approved by the public service director or his designee. Any disconnects or openings in the sanitary sewer shall be closed and repaired in compliance with applicable codes.

(e) Upon verified compliance with this division, the city reserves the right to reinspect such property or structure or require the property owner to provide a certificate of compliance from a licensed plumber in a form acceptable to the city at least annually to confirm continued compliance. Any property found not to be in compliance upon reinspection by the city shall, following notification from the city, comply within ~~44~~ 60 calendar days or be subject to the surcharge provided for in subsection (f) of this section.

(f) A surcharge set by the annual fee schedule adopted by the city council is imposed and shall be added to every utility billing to properties not in compliance with this division. The surcharge shall be added to every ~~quarterly~~ utility billing until the property is in compliance as determined by the city. If the surcharge is not paid in a timely manner, the delinquent payments may be certified for collection with the following years' property taxes.

(g) The city council, upon recommendation of the city administrator and the city engineer, shall hear and decide requests for temporary waivers from the provisions of this division 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 city administrator in writing within ~~44~~ 30 calendar days of notification of noncompliance. Upon approval of a temporary waiver from the provisions of this division, the property owner shall agree to pay an additional fee for sanitary sewerage services based on the number of gallons discharged into the sanitary sewerage system as estimated by the city engineer.

(h) If a City drain tile or storm sewer system is available to the property, Stormwater and all other unpolluted discharges may be connected to it shall be discharged to such drainage facilities as are specifically designated subject to approval by the city engineer. If a public system is not available, these discharges must be accommodated on the owner's property.

(i) The imposition of the surcharge shall not limit the right of the city to seek an injunction in district court ordering the person to disconnect the nonconforming connection to the sanitary sewer or from pursuing any other legal remedies available; or in the alternative, the city may

correct the violation and certify the costs of correction as an assessment against the property on which the correction was made.

SECTION 3. Orono Municipal Code Chapter 14 is hereby amended by adding Section 14-190 as follows:

Sec. 14-190. –Point of Sale Certificate of Inflow and Infiltration Compliance.

(a) 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

(b) Required. No building permit for a remodeled structure will be issued without a certificate of I&I compliance unless an escrow agreement is in place with the City.

(c) Inspection. The owner or owner’s representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner’s representative enters into any contract for deed or other transaction changing the party responsible for the property.

(1) A certificate of compliance shall be issued by the City upon successful completion of an inspection. A certificate of compliance shall be valid for 10 years.

(2) This inspection requirement will be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property’s sump pump, sewer service lateral, and groundwater drainage system, and upon completion, return an inspection form provided by the City documenting the results of the inspection. The date-stamped video record shall be submitted to the City and reviewed and approved by the City for assessment of compliance with this section. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

(d) Compliance

(1) Upon inspection, when the property use is in accordance with City sanitary sewer services regulations, a certificate of I&I compliance will be issued by the City.

(2) A certificate of I&I compliance is valid to be used for the transfer of property.

(3) The certificate of I&I compliance must be conspicuously displayed on the premises at all times when the property is being shown for sale and the owner is responsible for informing any potential buyers, gift recipients or other persons to whom it intends to transfer title as to its receipt of the certificate of I&I compliance.

(e) Corrections. Upon notice that the discharge of clear water on a property is not in compliance with this , the owner or occupant of the property shall cease from discharging clear water in violation of this division and shall make the necessary repairs and corrections to discharge the clear water in accordance with this division.

(1) Discharge of clear water in compliance with this shall be completed within 60 days of the date of notice of noncompliance, or as determined by the public works director.

(2) If an inspection discloses that use of a property is not in accordance with City sanitary sewer service regulations, a correction notice may be issued by the City permitting the transfer of property, providing;

(i) An agreement by the owner or owner's representative has been executed with the City, whereby the owner or owner's representative agrees to complete corrections to the property necessary to bring it within compliance of the City sanitary sewer service regulations within 60 days of the transfer of property.

(ii) The seller shall provide proof to the city that funds were placed in an escrow account at closing to cover the required repairs. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law or a federal or state chartered financial institution. The amount escrowed shall be equal to 110 percent of a written estimate to install or line the service line by a licensed and certified installer. After a complying service line has been installed or lined and a certificate of compliance issued, the City of Orono shall provide the escrow agent a copy of the certificate of compliance.

(iii) The owner (or transferor) and any real estate agents involved in the transaction are responsible for disclosing the correction notice to the transferee and all other persons or entities involved in the transaction. The responsibility for repairing any nonconformance with the sanitary sewer service regulations runs with the land and not only rests with the owner or transferor but is also an obligation of the transferee of the property. If repairs are not completed within one year of the first inspection, the inspection becomes invalid and the process starts again, which includes paying the applicable inspection fee.

(f) *Penalties.* 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 found to be in violation of this section. A surcharge will be assessed for every month during which the property is not in compliance. This charge shall cease when the property has been inspected and acceptable certification of compliance is submitted to the City.

SECTION 4. Orono Municipal Code Chapter 14 is hereby amended by adding Section 14-191 as follows:

Sec. 14-191. - Appeals.

Application for appeal of any administrative determination made pursuant to this division shall be addressed to the city administrator within 30 days of the determination. Applications shall at a minimum identify the property for the appeal 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.

SECTION 5. Orono Municipal Code Chapter 14 is hereby amended by adding Section 14-192 as follows:

Sec. 14-192. - Severability and Validity.

The provisions of this division are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this division or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of other provisions or application of this ordinance.

SECTION 6. EFFECTIVE DATE: This ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 24th day of February, 2020 on a vote of __ ayes and __ nays by the City Council of Orono, Minnesota.

ATTEST:

Denis Walsh, Mayor

Anna Carlson, City Clerk

Ordinance published in The Laker and The Pioneer newspapers the week of _____, 2020.