

**ORDINANCE NUMBER 2011-03**

**AN ORDINANCE AMENDING SUBSECTION 403.01, SUBDIVISION 5 OF THE RUSH CITY CODE TO DECLARE EXCESSIVE INFLOW AND INFILTRATION AS A PUBLIC NUISANCE, AMENDING SECTION 403.02 OF THE RUSH CITY CODE TO CLARIFY PROHIBITED DISCHARGE INTO SANITARY SEWER SYSTEM, AND AMENDING SECTION 801.02 TO ADD A PROVISION CONSTITUTING PUBLIC NUISANCE AFFECTING HEALTH**

**The City Council of the City of Rush City hereby ordains:**

**That Section 403.01 of the City Code shall remain unchanged with the exception that subdivision 403.01, Subdivision 5 is hereby vacated and amended in its entirety to read as follows:**

Subdivision 5. Repair and maintenance of sewer service pipe. The customer and/or owner of the premises served shall be responsible for maintaining and repairing the sewer service pipe, from the sewer main line into the building served. If the customer and/or owner fails to repair any leak in such sewer service line within twenty-four (24) hours after notice (oral or written) by the City, the City may make the necessary repairs to the sewer service and assess the cost of repairs against the property. In the event any instance of excessive infiltration or inflow into the treatment works of the City, it is hereby declared that such continuing infiltration or inflow is a public nuisance. The City shall have the right to abate such a public nuisance, to enter upon any private property within the City for such a purpose, and to assess the cost of such abatement as a lien against the property upon which such infiltration and inflow occurs. An administration fee in the amount set forth in the City fee schedule shall be assessed by the City in addition to all cost of abatement. The assessment of all cost shall be levied pursuant to Chapter III, Part 2 of this Code.

**That Section 403.02 of the City Code is hereby vacated and amended in its entirety to read as follows:**

**403.02. Sewer system general regulations.**

Subdivision 1. Definition: Prohibited Discharges. "Clear water" for the purpose of Chapter 403 of the City Code is defined as storm water; natural precipitation; melting snow; ground water; water flow from a roof, ground surface, subsurface drainage, down spout, eave trough, rainspout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool that is not operated on a year-round basis, cistern overflow, or air conditioning unit or system; or any other water that is not required to be treated by state or federal law. No person shall directly or indirectly discharge, or permit to be discharged, any clear water into any sanitary sewer. No rain spout or other form of surface drainage or foundation drainage shall be connected with any sanitary sewer. Dwellings, buildings and structures with sump baskets or footing tiles or drains,

if a pump is installed, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. 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 City storm sewer or drain tile. It shall consist of a rigid discharge line without quick connections for altering the path of discharge or a system otherwise approved by the Administrator.

(1) Any person, who discharges any clear water into any sanitary sewer or has a rain spout, foundation drainage or other form of surface drainage connected and/or discharging into the sanitary sewer system shall disconnect or remove the same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner with the proper permits and inspected by a representative of the City. If a City drain tile or storm sewer system is available to the property, connection of said discharges to these systems shall be mandatory.

(2) Any property owner or customer applying for a building permit, plumbing permit, variance, minor subdivision or other action from the City shall agree to an inspection of the structure's sump pump, footing or foundation drain discharge, and sewer lateral condition for compliance with this code. Requested actions shall not be forwarded to City boards or commissions or the City Council for review until the discharges are in full compliance with this section of City Code.

(3) All new structures with sumps for which a building permit is issued, if a pump is installed it shall be piped to the outside of the dwelling, and connected to a City drain tile or storm sewer system, if available, before a certificate of occupancy is issued.

(4) Regular inspections. Within 30 days after written notice from the city, every person owning improved real estate that discharges into the City's sanitary sewer system must allow the City or a designated City representative to inspect the buildings to determine whether there is a prohibited discharge into the sanitary sewer system. If a person refuses to allow their property to be inspected the property shall be subject to a surcharge. In lieu of having the City inspect the property, a person may furnish an inspection report in a form acceptable to the public works director from a licensed plumber approved by the Administrator.

(5) Corrections. The owner of a property found to be in violation of this section must make the necessary corrections to comply with this section within the time specified in the written notification from the city. If the owner fails or refuses to make the required connections within the specified time, the City will add a monthly surcharge to the utility bill.

(6) Any property with a sump pump found not in compliance with this Code but subsequently verified as compliant shall be subject to an annual re-inspection to confirm continued compliance. If that property is found not to be in compliance upon re-inspection, or any person refusing to allow their property to be re-inspected within 30 days after receipt of mailed written notice from the City, that property shall be subject to a surcharge to be imposed on each sewer bill thereafter to that property until the noncompliance or refusal to allow entry is corrected. All properties found during any re-inspection to have violated this section shall be

subject to a monthly surcharge that is double the previously charged surcharge.

(7) Surcharges. A monthly surcharge in the amount as set forth in the city fee schedule for residential properties and as set forth in the city fee schedule for non-residential properties will be added to each sewer and water bill for property where (a) an inspection has not been allowed or certification provided within 30 days after notice by the city, (b) the necessary corrections have not been made within the time specified, or (c) there has been a reconnection of a previously disconnected prohibited discharge when the property is owned by the same or a related owner who owned the property when disconnection occurred. A surcharge will be added for every month during which the property is not in compliance, whether the non-compliance has been for the entire month or a portion of it. The surcharge for a reconnection will be charged beginning with the month after the inspection or certification that confirmed the previous disconnection. Costs that are not paid are a lien against the property and may be certified for collection as a special assessment in the same manner as delinquent utility bills.

**That Section 801.02 shall remain unchanged with the exception that Subsection 801.02(12) is established to read in its entirety as follows:**

801.02

...

(12) The effluence from any cesspool, septic tank, drain field or sewage disposal system discharging upon the surface of the ground or in the ground subsurface.

This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Rush City.

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Mayor

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Administrator