

ORDINANCE NO. 1079

AN ORDINANCE FOR THE REDUCTION OF CLEAN WATER INFLOW AND INFILTRATION (I&I) IN THE
SANITARY SEWER SYSTEM

The City Council of the City of Waseca, Minnesota does hereby ordain:

Section 1. AMENDMENT OF MUNICIPAL CODE, TITLE V, PUBLIC UTILITIES, CHAPTER 53, SEWERS.
Chapter 53 of the Waseca Municipal Code is hereby amended by adding a new Section 53.33 as follows:

§ 53.33 INFLOW AND INFILTRATION.

(A) *Findings and Intent.*

(1) The City of Waseca (City) finds that the discharge of water from roof area, surface area, groundwater, sump pump, footing tile or swimming pool, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal sanitary sewer system.

(2) The City of Waseca finds it essential for the maintenance of health, minimization of property damage, to maintain environmental water quality, and to maintain the life and capacity of the municipal sanitary sewer system.

(3) The City of Waseca has executed a Schedule of Compliance (SOC) with the Minnesota Pollution Control Agency (MPCA) "to reduce inflow and infiltration in the collection system and minimize wastewater releases" from the sanitary sewer system.

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

(C) *Definitions.* For the purpose of this section, the following terms are defined:

CLEAR WATER means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

DAYS means calendar days unless otherwise provided.

DEFICIENT SEWER SERVICE LATERAL (deficient lateral) means a sanitary sewer service lateral which has been determined by the enforcement authority upon application of assessment standards established by NASSCO (National Association of Sewer Service Companies) to have multiple types of structural deficiencies or one type of structural deficiency at multiple locations. For the purposes of this section, "structural deficiencies" shall include but not be limited to the following, as determined by the enforcement authority:

(1) Cracked, broken, collapsed, defective lateral, or substandard or defective cleanout connection. Fracture, hole, loose joint, missing portion of pipe, observable evidence of inflow and infiltration (such as flow or mineral deposits), illegal storm water or clean water connection, offset joint, open joint, root intrusion, substandard configuration in the alignment or profile such as a sag, offset joint, deficient grade; or,

(2) An abandoned service resulting from structure demolition which alters the use of the property.

ENFORCEMENT AUTHORITY means the City Manager or his or her designee.

SANITARY SEWER SERVICE LATERAL means all privately-owned sanitary sewer service pipes that extend from the municipal sewer main to the structure that it serves.

(D) *Compatibility with Other Regulations.* This section is not intended to modify or repeal any other chapter, section, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other chapter, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other chapter, section, 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.

(E) *Prohibition Against Discharge to the Sanitary Sewer System.* No person shall discharge or cause clear water to be discharged into the municipal sanitary sewer collection system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a deficient sanitary sewer service lateral, foundation drain, or by any other means.

(F) *Sump Pump Regulation.* Any dwelling or structure that has a sump pump discharge system to remove groundwater from its foundation drain must have a permanently installed discharge line. A “permanently installed discharge line” shall be one which provides for year-round discharge capability to either the outside of the dwelling or structure, or is connected to the City storm sewer. It shall consist of a discharge line in accordance with City Code § 52.02, without valving or quick connections for altering the path of discharge and, if connected to the City storm sewer line, includes a check valve. It shall not be capable of connection or reconnection to the municipal sanitary sewer system.

(G) *Inspections.*

(1) The city shall have authority to conduct inspections of all sanitary sewer service laterals and other connections to the sanitary sewer collection system. By maintaining any connection to the city’s sanitary sewer collection system, the owner of the property served by such connection consents to the ~~City’s inspection of such connection~~ requirements of this section. All inspections shall be conducted pursuant to this paragraph (G).

(2) Timelines for inspections and areas of the City within which inspections shall be required shall be established by the enforcement authority and coordinated with approved or proposed Capital Improvement Projects. When the enforcement authority establishes inspection timelines for a designated area of the City, then:

(a) Every person owning improved real estate within such area of the City, or in the case of new construction, contractors and builders who are building a dwelling or structure that will be connected to the City's sanitary sewer system, shall allow each dwelling or structure located on such property, together with all sanitary sewer service laterals or other connections from such property to the City's sanitary sewer system, to be inspected by an inspector designated by the enforcement authority. The City shall be responsible for the cost of such inspection. The purpose of this inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system and to identify any deficient sanitary sewer service laterals or other violations of this section.

(b) All properties inspected pursuant to this section shall be determined by the enforcement authority to be either compliant or non-compliant with City ordinances. Properties found to be compliant with City ordinances shall be issued a Certificate of Compliance by the enforcement authority. Properties found to be non-compliant shall be brought into compliance by making necessary corrections pursuant to paragraph (H) of this section.

(3) A sanitary sewer service lateral found to be in compliance with City ordinances by any such inspection shall be considered in compliance for a period not less than ten (10) years and exempt from the inspection requirement in this paragraph (G) during such ten (10) year period unless evidence of deficiencies in such lateral is discovered within such ten (10) year period.

(4) The manner of the inspection shall be determined by the enforcement authority and may include one or more of the following on-site inspections by an authorized City representative: smoke testing, dye testing, and/or televising of sanitary sewer service laterals from City mains and/or from inside a dwelling or structure.

(5) Notwithstanding anything to the contrary in this section, a property owner may satisfy the requirements of this paragraph (G) by engaging 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 a completed inspection form provided by the City documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

(H) *Corrections.*

(1) Upon notice that the discharge of clear water on a property is not in compliance with this section, the owner of the property shall cease from discharging clear water in violation of said section and shall make the necessary repairs and corrections to discharge the clear water in accordance with this section, including the repair or replacement, as necessary, of any deficient sanitary sewer service lateral identified in the inspection.

(2) Repairs and corrections necessary to bring any properties found to be non-compliant by the inspection required in paragraph (G) of this section into compliance with this section shall be completed within ninety (90) days of the date of notice of noncompliance for repairs or corrections that do not require excavation of the property (outside or inside the dwelling or structure). Repairs or corrections that require excavation of the property must be completed within one-year (365 days). The property owner shall request a second inspection of the property

within ten (10) calendar days after completion of the repair(s) or correction(s), which inspection shall be completed as determined by the enforcement authority.

(I) *Sanitary Sewer Service Lateral Disconnection.* When making new sanitary sewer service lateral connections or modifications to existing sanitary sewer service lateral connections to the public sanitary sewer system, all existing unused sanitary sewer service laterals to the property shall be removed or abandoned and sealed in a manner satisfactory to the enforcement authority. When a dwelling or structure is demolished or removed, all existing sanitary sewer service laterals to the property shall be removed or abandoned and sealed in a manner satisfactory to the enforcement authority. Installation of a sewer lateral or removal of an existing sewer lateral shall be performed only with the proper City-issued permits.

(J) *Sewer Lateral Testing Required for Re-use.* In the case of a dwelling or structure demolition when the sanitary sewer service is proposed to be reused, the sanitary sewer service lateral shall be televised and all repairs to deficiencies identified shall be completed at the time of the demolition, after which said service shall be sealed at the property line to the satisfaction of the enforcement authority.

(K) *Violations.* A monthly surcharge in the amount of \$100.00 as set forth in the City's fee schedule shall be charged against any property on which clear water is discharged in violation of this section. The monthly surcharge will be billed by the City to the property owner if one or more of the following conditions apply:

(1) an inspection as required herein has not been allowed by the property owner or a Certificate of Compliance has not been issued by the City within thirty (30) days after the City's notice of inspection;

(2) the property owner fails to make the sewer line cleanout readily available for the inspection;

(3) the necessary corrections have not been made within the time specified; or

(4) the property owner 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 surcharge will be charged for every month during which the property is not in compliance. Non-payment of the monthly surcharge will be charged against the property and certified to the County Auditor's office for collection with property taxes in the manner of a special assessment.

(L) *Temporary Written Waivers.*

(1) The enforcement authority may grant a temporary written waiver from the provisions of this section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the enforcement authority specifying the reasons for the temporary waiver.

(2) The enforcement authority may set conditions to the temporary waiver. The enforcement authority may terminate the temporary waiver upon a failure to comply with any

conditions imposed on the temporary waiver. The enforcement authority must give a five-day (5) written notice of the termination to the property owner setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this section.

(M) *Appeals.*

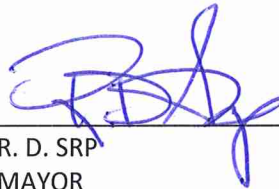
(1) Applications for appeal of any administrative determination made pursuant to this Section shall be addressed in writing to the enforcement authority within thirty-days (30) of the determination.

(2) Applications shall at a minimum identify the property for which 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 first class mail.

(N) *Severability and Validity.* The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section 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 section.

Section 2. This Ordinance shall take effect 10 days after its passage and publication.

Adopted this 7th day of April, 2020.



R. D. SRP
MAYOR

Attest:



DENISE SEBERSON
ADMINISTRATIVE CLERK or
AVAILABLE STAFF MEMBER PER COVID-19 ORDERS

Introduced: March 17, 2020
Adopted: April 7, 2020
Published: April 10, 2020
Effective: April 17, 2020

