

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF WEST ST. PAUL**  
**DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 50, SECTION 50.08 OF THE WEST ST. PAUL CITY CODE REGARDING DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE; SUMP PUMPS**

The City Council of West St. Paul does ordain:

**SECTION 1.** West St. Paul City Code Chapter 50, Section 50.08 relating to the Discharge of Prohibited Clear Water Drainage; Sump Pumps, is hereby amended as follows:

§ 50.08 DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE; SUMP PUMPS.

(A) *Definition. CLEAR WATER DRAINAGE*, for the purpose of this section, 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 discharged from any nonresidential air conditioning unit or system.

(B) *Prohibited discharges.* No person shall directly or indirectly discharge, or permit to be discharged any clear water drainage into the city's sanitary sewer system.

(C) *Prohibited connections.* No person shall make or maintain a connection between any conductor used to carry clear water drainage and the city's sanitary sewer system.

(D) *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 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;
- (2) It shall provide for year-round discharge capability to either the outside of the dwelling, building or structure, to the city's storm sewer system;
- (3) It shall consist of a rigid discharge line 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; and
- (4) Must be directed toward the front or rear yard so as not to trespass or discharge on to adjoining properties.

(E) *Inspections.* An inspection is required to ensure compliance with this Section. Inspections shall be conducted pursuant to § [10.17](#). In addition to following the inspection requirements in § 10.17, owners and occupants shall be required to comply with the following:

- (1) Allow an initial inspection within 30 days of the date that the city notifies the owner or occupant that a mandatory inspection is required;
- (2) Provide sufficient access to the sanitary service line within the dwelling, building or other structure, including removal of all obstacles so that the sanitary service line is completely accessible to the inspector;
- (3) Clear the sanitary service lines of all root intrusions or any other intrusions to allow clear televising of the sanitary service line from the dwelling, building or other structure to its connection with the public sewer main.

(F) *Violations.* When the inspector determines that there has been a violation of any provision of this section, the inspector will give notice of the violation to the owner and occupant in writing and allow up to 180 days to correct the violation, unless more time is granted by the City Council. The owner must provide the city with a televised recording of the sanitary service line taken by a licensed contractor verifying that all corrections have been made.

(G) *Surcharge.*

(1) A monthly surcharge of \$50 for single-family properties and a surcharge of \$300 for all other properties shall be added to each sewer and water bill if:

- (a) An owner fails to schedule an inspection pursuant to §50.08(E)(1) above;
- (b) An owner whose property was found in violation of this section did not make the necessary changes and furnish proof of those changes to the city within 180 days or such other time frame as stated in the notice of violation; or
- (c) There has been a reconnection of a previously disconnected prohibited discharge. If a property is certified in compliance with this section and the same owner is later found to have reconnected to the municipal sanitary sewer system, the property owner will be subject to the surcharge for all months between the last two inspections. If there has been a change in ownership, then the new owner shall be given a notice of violation and allowed up to 180 days to comply.

(2) The surcharge shall be added for every month during which the property is not in compliance.

(H) *Temporary waiver.* The Public Works Director may allow or require a temporary waiver from the provisions of this section when strict enforcement would cause a threat of damage to other property, the environment or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the

Public Works Director specifying the reasons for the request. If a waiver is required or granted, the property owner must 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. 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. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(I) *Public nuisance.* An owner or occupant who has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge, **who fails to pay the surcharge** or who has failed to do the work required by this section within the time limit given by the inspector, will be deemed to have created a public nuisance subject to abatement and assessment, as provided in [Chapter 94](#).

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

**SECTION 4. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

**The ordinance amendment intends to clarify the responsibilities of the homeowner in regard to the inspection process. It also imposes a \$50 surcharge on an owner who refuses to schedule an initial inspection.**

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Ayes:

Nays:

Attest:

\_\_\_\_\_  
David Meisinger, Mayor

\_\_\_\_\_  
Chantal Doriott, City Clerk