

**ORDINANCE NO. 17-08
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

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

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Section 50.08 relating to discharge of prohibited clear water drainage and 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) *Ownership.* The property owner shall own and be responsible for the maintenance of the sanitary sewer service lateral between the city's sanitary sewer main within the street and the building being served, including the connection to the main.
- (C) *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.
- (D) *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.
- (E) *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.

- (F) *Inspections.* The city shall conduct inspections of single-family owner-occupied properties to ensure compliance with this section. Failure to have an inspection as required in this section is a violation of the city code.
- (1) Except as set forth in division (F)(3), inspections are required when one of the following occurs:
 - (a) The property is offered for sale or conveyance by deed or contract for deed, unless the certificate of compliance is still valid pursuant to division (G);
 - (b) The city orders a street improvement project and the property is adjacent to a street in the project area; or
 - (c) For the purpose of safeguarding the health and safety of the general public or occupants of a building to determine compliance with the code.
 - (2) Inspections shall be conducted pursuant to § 10.17. In addition to the inspection requirements in § 10.17, owners shall be required to comply with the following:
 - (a) Provide sufficient access to the sanitary sewer service lateral within the dwelling, building or other structure, including removal of any obstacles so that the sanitary sewer service lateral is completely accessible to the inspector; and
 - (b) Clear the sanitary sewer service lateral of any root intrusions or any other intrusions to allow clear televising of the sanitary sewer service lateral from the dwelling, building or other structure to its connection with the city's sanitary sewer main.
 - (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; or
 - (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.
 - (4) The city shall complete its inspection reports within ten business days from the date of the inspection and immediately send the report to the property owner. The reports shall indicate all deficiencies and violations discovered in sufficient detail to identify the violations.
- (G) *Certificates of compliance.* If a 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 until one of the events in division (F)(1) occurs. Certificates of compliance are valid for a period of ten years.

(H) *Residential rental properties.* For residential rental properties, the property owner is required to 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 there are any violations discovered, corrections must be made pursuant to division (J) below. The city shall conduct a reinspection to verify compliance. Upon verification that the corrections have been made, the city shall issue a certificate of compliance.

(I) *Commercial, industrial and HOA properties.* For commercial and industrial properties and condominium or townhome residential properties with a homeowner's association ("HOA properties"), property owners are required to 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 there are any violations discovered corrections must be made pursuant to division (J) below. The city shall conduct a reinspection to verify compliance. Upon verification that the corrections have been made, the city shall issue a certificate of compliance.

(J) *Violations.*

(1) *Violations, generally.* Except as provided in division (J)(2) for owner-occupied single-family service lateral violations discovered during a time of sale inspection, when the inspector determines there has been a violation of any provision of this division, the inspector will give notice of the violation to the owner and occupant in writing and allow time for compliance as follows:

(a) For residential rental, commercial, industrial and HOA properties, service lateral violations that are discovered between July 1, 2016 and July 1, 2018, shall be corrected on or before July 1, 2018.

(b) For residential rental, commercial, industrial and HOA properties, service lateral violations that are discovered after July 1, 2018, shall be corrected within 120 days of the discovery of the violation;

(c) For all sump pump violations, regardless of the classification of the property, the violation shall be corrected within 30 days.

(2) *Violations discovered at time of sale.*

(a) *Seller responsibilities.* When the inspector determines that 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 (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 city shall reinspect the property to verify compliance.

(b) *Buyer responsibilities.* If a seller cannot correct the violations prior to the sale the buyer must assume the responsibility for correcting the violations. The buyer shall sign a written acknowledgement from the city that includes:

1. The buyer's acceptance and assumption of responsibility for correcting the violations within one year after closing on the property;
2. That the buyer understands that a reinspection is required to verify the corrections have been completed;
3. That the buyer holds the city harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the violations; and
4. That failure to correct violations or deficiencies is a violation of the city code and subjects the buyer to penalties as stated in divisions (K), (M), and (N).

(3) *Violations and corrections under the roadway.* When the inspector determines 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 (4) below. However, a property owner shall not excavate in the roadway without permission from the City Engineer.

(4) *Non-excavation violations and corrections within two feet from the main.* When the property owner is correcting violations of the sanitary sewer service lateral between the street and the building and the corrections only involve lining of the sanitary sewer service lateral, the owner shall stop all repairs at a distance of two feet from the city's sanitary sewer main. The city shall assume responsibility for any lining within two feet from the main, which will be done in conjunction with scheduled street repair work.

(K) *Penalty.*

- (1) A monthly penalty of \$50 for owner-occupied single-family properties; a monthly penalty of \$300 for residential rental, commercial, industrial and HOA shall be added to each sewer and water bill if:
 - (a) An owner fails to complete an inspection pursuant to division (F), (H) and (I);
 - (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 the time frames required by this section;
 - (c) An owner fails to allow an inspection or reinspection to verify compliance; or
 - (d) 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 city's sanitary sewer system, the property owner will be subject to the surcharge for all months between the last two inspections.

- (2) The penalty shall be added for every month during which the property is not in compliance.
- (L) *Temporary waiver.* The City Engineer 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 City Engineer specifying the reasons for the request.
- (M) *City Engineer.* The City Engineer 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.
- (N) *Public nuisance.* An owner or occupant who fails to have an inspection, who has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge, who fails to pay the penalty or who has failed to do the work required by this section within the specified time limit, will be deemed to have created a public nuisance subject to abatement and assessment, as provided in Chapter 94.
- (O) *Remedies.* The remedies provided in this section do not limit the right of the city to pursue any other available legal remedy.

SECTION 2. 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:

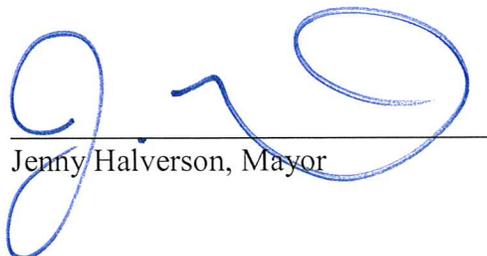
The ordinance amendment clarifies when service lateral violations and sump pump violations must be corrected and removes language that is no longer relevant since the ordinance was first adopted.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted and passed this 10th day of July, 2017.

Ayes: 6

Nays: 0



Jenny Halverson, Mayor

Attest:



Chantal Doriott, City Clerk