

## Chapter 55: Inflow and Infiltration

### AN ORDINANCE FOR THE REDUCTION OF CLEAR WATER IN THE SANITARY SEWER SYSTEM

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#### 55.01 Applicability and Purpose

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

(B) The City Council finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile, swimming pools, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the city's sanitary sewer system. The City Council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this ordinance be strictly enforced.

#### 55.02 Definitions

For the purpose of this Ordinance, the following terms are defined:

**CLEAR WATER** is defined as stormwater, natural precipitation, melting snow, ground water or flow from roof runoff, ground surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, footing tiles or swimming pools, foundation drains, yard fountains, ponds, cistern overflows, water discharged from any nonresidential air conditioning unit or system, or any other water that is not required to be treated by state or federal law, that enters the sanitary sewer system through any separation, gap, crack, fracture, collapse or other structural defect in the sewer lateral. Swimming pool water that is required to be treated in accordance with the city, county or state regulations shall not be considered clear water.

**INFLOW AND INFILTRATION (I/I)** is the excess flow of clear water into the City's Wastewater Treatment System.

**INFLOW** is when clear water from illegal connections of sump pumps, downspouts, foundation drains and other sources of clear water are channeled directly into sanitary sewer pipes. Inflow damages sewer services, not just the illegal connections.

**INFILTRATION** is when ground water or surface water seeps into sewer pipes via cracks, broken pipes, and leaky joints.

**PRIVATE SEWER LATERAL** is defined as all sewer service pipes extending from the city sanitary sewer main to the dwelling, building or structure it serves.

**OWNERSHIP RESPONSIBILITY:** The property owner shall own and be responsible for the routine maintenance and repair of the private sewer lateral, including the connection to the city sanitary sewer main.

**INSPECTION VIDEO:** A digital recording of the televised inspection process of a private sewer lateral.

**POST REPAIR VIDEO:** A digital recording of the televised inspection process of a private sewer lateral demonstrating the condition of the lateral after repairs or connections have been completed.

### **55.03 Compatibility with Other Regulations**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, 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.

### **55.04 Prohibition Against Discharge into the Sanitary Sewer System**

No person shall discharge or cause 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 defective sewer service lateral or by any other means.

### **55.05 Prohibited Connections**

No person shall make or maintain a connection between any conductor, device or system designed to move clear water drainage from its source to any pipe, cleanout, floor drain, foundation drain, sink or any other apparatus with a direct connection to the city's sanitary sewer system.

## 55.06 Sump Pump Regulation

- (A) Any dwelling, structure or building that has a sump pump system to remove groundwater from its foundation, footing or basement must have a permanently installed discharge line that shall:
- (1) At no time discharge water into the city's sanitary sewer system or be capable of connection or reconnection to the city's sanitary sewer system.
  - (2) Provide year-round discharge capability to the outside of the dwelling, building or structure, to the city's storm sewer system.
  - (3) Consist of a rigid discharge line constructed of rigid piping material inside the dwelling or building, without any connections for altering the path of discharge, and if connected to the city's storm sewer, must include a check valve of an approved type and diameter.
  - (4) Be directed toward the front or rear yard so as not to trespass or discharge onto adjoining properties.

## 55.07 Inspection

- (A) By **December 31, 2025**, every person owning improved real estate, or contractors and builders who are building a structure connected to the City's sanitary sewer system, shall obtain an inspection of each building located on such property by an inspector approved by the City. The purpose of this city inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system. Failure to have an inspection as required in this section is a violation of the City Code.
- (1) The City will conduct inspections for a fee established in Osakis' Fee Schedule. The City will provide an inspection form if a property owner wishes to have the inspection conducted by an independent inspector. All inspectors must follow the guidelines prescribed on the inspection form and submit a digital recording of the televised inspection process of the sewer lateral in a format specified by the city.
- (B) *Inspections.* For purposes of complying with the mandates of this section to eliminate clear water drainage into the sanitary sewer system, the Public Works Director, or his or her designee ("Inspector") is authorized to conduct inspections of private sewer laterals and sump pumps for all properties connected to the city's sanitary sewer system for the limited purpose of confirming that there is no sump pump or other prohibited discharge of clear water drainage or any separation, gap, crack, fracture, collapse or other structural defect in the sewer lateral. The cost of inspections will be paid for by the owner or occupant of the property. The fee for a Certificate of Compliance and for inspections by the city is stated in the City's fee schedule.
1. The City will perform inspections and issue Certificates of Compliance without fees until December 31, 2025. After January 1, 2026 fees will be charged.
    - (1) Except as set forth in division (3) below, 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 52.08 below.
  - b. For the purpose of safeguarding the health and safety of the general public or occupants of a building or to determine compliance with the City Code when the city has identified specific areas that have exceeded peak flow rates as established by the local authority having jurisdiction.
  - c. When the city's operational inspection process identifies a private sewer lateral that shows excess discharge of clear water or any separation, gap, crack, fracture, collapse or other structural defect in the sewer lateral.
  - d. When a new building is completed and ready for occupancy the builder will contact the city and request an inspection.
  - e. When a building permit is issued to change the use or increase the size or footprint of an existing structure.
  - f. When a new owner takes possession of a property that has not received a satisfactory inspection certificate.
  - g. Owners of the property are responsible for the cost of inspections.
  - h. When the city orders a street improvement project and the property is located on or adjacent to a street in the improvement project area the property will require an inspection the City will conduct such inspection at no cost to the property owner. If the property owner wishes to have a private contractor perform the inspection that cost will be paid by the property owner.
2. Inspections shall be conducted pursuant to 52.07. In addition to the inspection requirements in 52.07, owners shall be required to comply with the following:
- a. Provide sufficient space and access to the private sewer lateral within the dwelling, building or other structure, including removal of any obstacles so that the private sewer lateral and waste stack cleanout or final cleanout, as necessary, is completely accessible to the Inspector; and
  - b. Clear, or contract with for services to clear, the private sewer lateral of any root intrusions, structural blockages or any other intrusions that prevent the completion of an inspection and to allow clear televising of the private sewer lateral from the dwelling private sewer lateral from the dwelling, building or other structure to its connection with the city's sanitary sewer main; and
  - c. Remove, or contract with services to remove, any toilet on the lowest level of the building for access purposes as described in division (a) above; and
  - d. The owner shall pay a penalty, as provided in the city's fee schedule, for any missed inspections. If the owner or the owner's representative arrives later than 20 minutes past the scheduled inspection time without notification prior to the appointment, it shall be considered a missed inspection.

2. 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 and the builder has obtained an inspection and delivers an inspection certificate 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 and the service lateral will be properly capped and sealed;
  - 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; or
  - e. The property is connected to a septic system and has no public sewer access or has been granted a connection waiver by the city.
3. The city shall complete its inspection reports within thirty (30) business days from the date of the inspection and immediately send the report to the property owner. The reports shall indicate all sewer lateral defects, deficiencies and violations discovered in sufficient detail to identify the violations and to contract for repairs as necessary.
4. At the discretion of the Inspector, the Inspector may refuse to conduct a scheduled inspection if doing so would pose a risk to the Inspector's health, safety or welfare or if the Inspector believes the inspection process is likely to cause damage to the property or private sewer lateral. In such cases, the property owner will be required to have the inspection performed by an independent contractor at the property owner's expense.

## **55.08 Certificates of Compliance**

(A) *Issuance.* The city shall issue a certificate of compliance if the inspection verifies that all the following conditions are met:

- (1) There is no sewer pipe joint degradation, as evidenced by root intrusion and mineral staining, scaling and deposit;
- (2) There are no prohibited discharges or connections as defined by divisions 52.04 and 52.05 above;
- (3) There are no misaligned joints obstructing the flow of wastes causing blockages, exfiltration or the intrusion of roots or minerals;
- (4) The lateral is free of holes, cracks, fractures, collapses, or other structural defects.

(a) Fees. The fees for issuing Certificates of Compliance will be listed in the City's Fee Schedule

1. The City will perform inspections and issue Certificates of Compliance without fees until December 31, 2025. After January 1, 2026 fees will be charged.

(B) *Certificates of compliance period.*

(a) Certificates are valid for a period of 5 years from the date of issuance. No new inspections or certificates shall be required until one of the events in division 52.07 (A) (1) above occurs.

**55.09 Multi-unit Residential Rentals, Commercial, Industrial and HOA Properties**

(A) For commercial and industrial properties and condominium or townhome residential properties with a homeowners' association ("HOA properties"), property owners are required to locate the building's sewer cleanout, open the cleanout to ensure functionality, identify any private manholes or outside cleanouts and location of all sump pump systems (if applicable) prior to a scheduled inspection. This inspection requirement may be met by the following:

(1) The City of Osakis will attempt to conduct the inspection if the project is within the capabilities of the City's equipment and the inspector's knowledge and ability. The fee for this inspection is listed in the City's Fee Schedule.

a. The City will conduct inspections and issue Certificates of Compliance without fees until December 31, 2025. After January 1, 2026 fees will be charged.

(2) By hiring 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 and provide a copy of the digital video file of the televised inspection of the private sewer lateral. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

If any violations are discovered, corrections must be made pursuant to division 52.10 below. The city shall conduct a reinspection or receive a post-repair video to verify compliance. Upon verification that corrections have been made, the city shall issue a certificate of compliance.

**55.10 Corrections**

Upon notice that the discharge of clear water on a property is not in compliance with this ordinance, the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clear water in accordance with this ordinance. Discharge of clear water in compliance with this ordinance shall be corrected within 30 days of the date of notice of noncompliance. If the repairs and corrections require excavation the property owner shall have 90 days, exclusive of the months of November through April to complete the repairs. A post repair inspection of the property will be completed within 15 days after the completion of the repair.

**55.11 Violations**

(1) *Violations, generally.* Except as provided in division (2) (a) below, for owner-occupied, single-family private sewer 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) Discharge of clear water in compliance with this ordinance shall be corrected within 30 days of the date of notice of noncompliance. If the repairs and corrections require excavation the property owner shall have 90 days, exclusive of the months of November through April to complete the repairs.

(b) All sump pump violations shall be corrected within 10 days of notice.

(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 or the seller shall provide a copy of a post-repair video to the city.

(a) *Buyer responsibilities.* If a seller cannot correct the violations prior to the sale, the seller must require the buyer to assume the responsibility for correcting the violations, in which case, the seller and the buyer shall sign and submit a written acknowledgment to the city that includes:

1. The buyer's acceptance and assumption of responsibility for correcting the violations within 90 days after closing on the property.
2. The buyer's understanding that either the city shall reinspect the property to verify compliance or a copy of a post-repair video must be provided to the city in order to verify that the corrections have been completed
3. The buyer's agreement to hold the city harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the violations; and
4. The buyer's understanding that failure to correct violations or deficiencies, failure to provide a post-repair video or failure to allow a reinspection is a violation of the City Code and subjects the buyer to penalties as stated in divisions 52.11 and 52.13

(b) *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 or within the right of way, the property owner is responsible for the repairs. However, no one shall excavate in the roadway without permission from the City's Public Works Director.

(c) *Non-excavation violations and corrections.*

When the property owner is correcting violations of the private sewer lateral between the street and the building using a cured in place pipe ("pipe liner") or similar approved repair methods, and the corrections only involve the lining of the private sewer lateral, the contractor shall terminate the pipe liner as close to the connection with the city's public

sanitary sewer main as possible. If the pipe liner extends into the public main, the contractor shall trim off the excess portion and report its approximate location to the Public Works Department as soon as possible.

(3) *Penalty.*

- (a) 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 on which clear water is discharged in violation of this ordinance. The monthly surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply:
1. An owner fails to complete an inspection pursuant to divisions 52.07 (B) (2);
  2. An owner whose property was found in violation of this section did not make the necessary repairs and furnish proof of those changes to the city within the time frames required by this section;
  3. An owner fails to allow an inspection or reinspection to verify compliance; or
  4. The property owner or occupant 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 property owner will be subject to the penalty for all months between the last two inspections.
  5. The penalty shall be added for every month during which the property is not in compliance.

### **55.12 Temporary Waivers**

The City may grant a temporary 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 City Clerk specifying the reasons for the temporary waiver.

If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the City's sanitary sewer system as estimated by the Public Works Director.

The Public Works Director may set conditions to the temporary waiver. The Public Works Director may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The Public Works Director must give a five-day written notice of the termination to the property owner and occupant 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 ordinance.

### **55.13 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 55 of this City Code.

**55.14 Appeals**

Applications for appeal of any administrative determination made pursuant to this Ordinance shall be addressed in writing to the city clerk within 30 days of the determination.

Applications shall at a minimum identify the property for 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 mail.

**55.15 Severability and Validity**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance 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.

Passed by the City Council of Osakis, Minnesota, this   10   day of   December  , 2024\_

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Daniel Wessel

Mayor

Attested:

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Angela Jacobson City Clerk