

**AN ORDINANCE AMENDING THE CITY OF OSAKIS
CITY CODE CHAPTER 55, INFLOW AND INFILTRATION, AND CHAPTER 90,
PUBLIC NUISANCES, TO ADDRESS PRIVATE LATERAL REPAIR AND
REPLACEMENT**

The City Council of the City of Osakis, Minnesota, does ordain:

SECTION ONE. That the City of Osakis hereby amends Chapter 55.10 of the Osakis City Code, which shall read as follows (new material is underlined; deleted material is ~~lined out~~; sections and subsections which are not proposed to be amended are omitted):

§ 55.10 CORRECTIONS

(A) General Corrections. Upon notice that the discharge of clear water on a property is not in compliance with this chapter, the owner or occupant of the property shall cease from discharging clear water in violation of this chapter and shall make the necessary repairs and corrections to discharge the clear water in accordance with this chapter. Discharge of clear water in compliance with this chapter 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.

(B) Street improvement project. When the city orders a street improvement project pursuant and a private sewer lateral within the project area is found to be deficient following an inspection conducted pursuant to § 55.07 (B)(2)(h), the property owner or occupant shall repair or replace the full lateral, including the portion within the public right-of-way and the portion on private property from the city sanitary sewer main to the building or structure it serves. The city shall notify the property owner of the deficiency and the requirements of this section in writing within 30 business days of the inspection required under § 55.07 (B)(2)(h).

(C) Owner or occupant election. Upon receipt of notice under division (B) of this section, the property owner shall, within 15 days, elect one of the following options by written notice to the city:

(1) City contractor. The property owner may authorize the city's contractor to repair or replace the full lateral. To elect this option, the property owner shall execute a written consent agreement with the city authorizing entry onto the property for the purpose of full lateral repair or replacement. The full cost of work shall be invoiced to the property owner. Unpaid charges shall be assessed against the property pursuant to Minnesota Statutes §§ 429.101 and 444.075 and the city's Special Assessment Policy.

(2) Owner or occupant's contractor. The property owner may arrange for a licensed contractor of the property owner's choosing to repair or replace the full lateral. The Property owner or occupant's contractor must complete all work prior to the deadline established by the city, consistent with the street improvement project schedule. The property owner shall provide the city with documentation of the contractor's license and shall arrange for a post-repair inspection to be conducted by the city upon completion. All work is subject to city approval. There shall be no excavation within the public right-of-way without prior written approval of the Public Works Director.

If the property owner or occupant fails to make an election within 15 days notice under this division, the property owner or occupant shall be deemed to be in violation of this chapter and shall be subject to the penalties and enforcement mechanisms set forth in §§ 55.99 and 55.13.

(D) Self-help; city-performed repairs.

For properties subject to a street improvement project under division (B) of this section, the cure periods and procedures set forth in this division (D) govern in lieu of the general correction timelines in division (A). Repairs and corrections necessary to bring any property found to be noncompliant by the inspection required in § 55.07(B)(2)(h) into compliance with this chapter shall be completed within 30 days of the date of the notice of noncompliance for repairs or corrections that do not require excavation. Repairs or corrections that require excavation of the property must be completed within 45 days of the date of the notice of noncompliance, exclusive of the months of November through April. The property owner shall request a post-repair inspection of the property within 10 calendar days after completion of the repair or correction, which inspection shall be completed as determined by the enforcement authority. A property owner may appeal a notice of noncompliance and any required repairs or corrections pursuant to § 55.14 of this chapter.

If the City Council, after hearing an appeal, orders the property owner to complete the repair or correction, or if no timely appeal is submitted, and the repair or correction is not timely completed within the applicable cure period set forth in this section, the city may enter onto the property and cause the necessary repair or correction to be completed at the expense of the property owner.

(E) Personal liability; lien. The owner of the property on which repairs or corrections have been completed by the city pursuant to division (D) of this section is personally liable to the city for the cost of repairs or corrections, including, without limitation, administrative costs, court fees and costs, consultant and/or contractor services, fees and expenses, and attorneys' fees, if applicable. Unpaid charges constitute a lien against the property benefited by the repairs or corrections on and after the date they were incurred by the city. As soon as the repairs or corrections have been completed and the cost determined by the enforcement authority, an appropriate city official shall prepare an invoice for such cost and mail it to the property owner or other responsible party for

payment. Such amount shall be due and payable to the city within 30 days of the date the city's invoice is issued.

(F) Certification to County Auditor. If any cost of repairs, or any portion of such cost, has not been timely paid under division (E) of this section, the City Council may, at any time thereafter, certify the unpaid charge to the County Auditor as a lien against the property to which the cost is attributable. Before certification of an unpaid charge as a lien against a property under this division, the city shall provide reasonable written notice of the impending certification and an opportunity to be heard by the City Council to the property owner. For purposes of this section, the property owner shall be the taxpayer of record on file with the County Auditor. Failure of the property owner to receive notice of the impending certification will not invalidate the certification, provided reasonable written notice was sent by mail to the property owner's publicly listed address in the County Auditor's taxpayer records. The City Council may certify the unpaid charges to the County Auditor for collection along with the current property taxes in the manner of a special assessment in the following year, or in annual installments not exceeding ten (10), as the City Council may determine in each case.

SECTION TWO. That the City of Osakis hereby amends Chapter 55.13 of the Osakis City Code, which shall read as follows:

§ 55.13 PUBLIC NUISANCE.

An owner or occupant who fails to have an inspection, who has done work that does not comply with this chapter, 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 chapter within the specified time limit, will be deemed to have created a public nuisance subject to abatement and assessment, as provided in Ch. 90 of this city code. In addition, a private sewer lateral found to be deficient and contributing to inflow and infiltration to the municipal sanitary sewer system in violation of this chapter is hereby declared to constitute a public nuisance affecting public health subject to abatement pursuant to §§ 90.16 and 90.23 of this city code and assessment of costs pursuant to § 90.24 of this city code and Minnesota Statutes §§ 429.101 and 444.075.

SECTION THREE. That the City of Osakis hereby amends Chapter 99.01 of the Osakis City Code, which shall read as follows:

§ 90.01 ASSESSABLE CURRENT SERVICES.

* * * *

CURRENT SERVICE. One or more of the following: snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26 as they may amended from time to time; installation or repair of water service lines and

repair or replacement of private sewer service lines; street sprinkling, street flushing, light street oiling or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

SECTION FOUR. That the City of Osakis hereby amends Chapter 99.16 of the Osakis City Code, which shall read as follows:

§ 90.16 PUBLIC NUISANCES AFFECTING HEALTH.

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(K) Any offensive trade or business as defined by statute not operating under local license; and.

(L) Any private sewer service lateral, as defined in § 55.02 of this city code, that is found to be deficient due to cracks, joint separations, root intrusions, collapses, or other structural defects that allow groundwater or surface water to enter the city's municipal sanitary sewer system as inflow or infiltration in violation of chapter 55 of this city code.

SECTION FIVE. This Ordinance shall take effect and shall be in force thirty (30) days from and after its adoption, approval, and publication.

Passed and approve this _____ date of _____, 2026

Mayor

City Clerk/ Treasurer